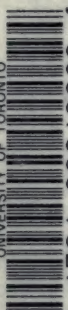


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BRITISH
BOROUGH CHARTERS

1042-1216

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Edited by

ADOLPHUS BALLARD, LL.B. (LOND.), HON. M.A. (OXON.)

Town Clerk of Woodstock

Author of *The Domesday Boroughs* and *The Domesday Inquest*

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BRITISH

BOROUGH CHARTERS

1042-1210

Edited by

ADOLPHUS BALLARD, LL.B. (Lond), LL.M. (Oxon.)

Town Clerk of Woking

Author of 'The Borough Charter and the Borough Court'

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PREFACE

IN these pages I have collected about 330 charters and documents relating to the boroughs of the British Isles, which can be dated before the death of King John, and have analysed them into their constituent clauses, and rearranged them in the form of a code. The three parts of the Introduction will furnish all necessary explanations: the first part explains our methods of study and specifies the sources from which the documents are derived: the second part is a short commentary on the code: the third part contains four supplemental essays, in two of which I have attempted to find some general principles underlying the code of municipal privileges, while in a third I have compared some contemporary foreign municipal charters with those of the British Isles. But in these essays, I have dealt only with the problems of the twelfth century, except where express reference is made to other periods: and it does not follow that, because I have hazarded certain opinions with regard to the formation or characteristics of boroughs in that century, I hold the same opinions with regard to the same problems either in earlier or later centuries. In a few instances it will be found that the date of a charter given in the text differs from that given in the list of sources, the reason being that further evidence had come to light after the text was in print.

But the chief object of this preface is to express my thanks to the many friends who have helped me in this work: the list of sources will show which of the charters are already in print, but it does not show the hundreds of books that I have consulted, mostly with a negative result: Gross's *Bibliography of Municipal History* has been invaluable to me, and my warm thanks are due to the junior assistants at the Bodleian Library for the willingness with which they have obtained the books I required. I have also to acknowledge the generous help given to me by many of my brother Town Clerks:

the Town Clerks of Walsall and Worcester allowed me to make copies of the charters in their custody which are not in print; the Town Clerk of Exeter kindly supplied me with photographs of three unprinted charters from the archives of that city; the Town Clerk of Newport (Isle of Wight) sent me a copy of the earliest charter to that borough; and the Town Clerk of Wells verified a suspected reading in one of the printed charters of that city. My best thanks are likewise due to Mr Percy G. Stone of Merstone for a copy of the first charter to Yarmouth (Isle of Wight), to the Rev. H. E. Salter for a photograph of the charter of Henry II to the citizens of Canterbury, to Mr H. W. C. Davis, Fellow of Balliol College, Oxford, for access to his collection of Norman charters, and for a loan of the two Spanish *fuegos* examined in the Fourth Supplemental Essay; and to Mr G. J. Turner of Lincoln's Inn, to the Rev. A. J. Carlyle, D.Litt., of University College, to Mr Ernest Barker, of St John's, to Mr R. V. Lennard of New, and to Mr F. W. Kolthammer of Brasenose, for many hints and much help. Especially do I thank M. Georges Ritter, Bibliothécaire Adjoint of the Public Library at Rouen, for copying for me the charters of the Abbots of Fécamp to the men of Rye.

Nor must I forget to acknowledge my indebtedness to the Syndics of the Cambridge University Press, and to their unknown reader who has saved me from many pitfalls.

A. B.

WOODSTOCK

February 3, 1913.

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LIST OF ABBREVIATIONS

B. C.	Miss Bateson's <i>Borough Customs</i> .
D.B.	Domesday Book.
<i>Dom. Inq.</i>	<i>The Domesday Inquest.</i>
<i>E.H.R.</i>	<i>English Historical Review.</i>
<i>H.E.L.</i>	Pollock and Maitland's <i>History of English Law</i> .
<i>V.C.H.</i>	<i>Victoria County History.</i>

INTRODUCTION

I. PRELIMINARY

1. *Object of the Book*

THE time-honoured distinction that was drawn by our forefathers between a chartered borough and a market town shows the importance that they attached to the possession by a community of a document, granted by the King or the lord of the borough, guaranteeing the privileges by which it was distinguished from the villages in the neighbourhood. Its importance is not less today : for in this twentieth century, a Royal Charter is (or more strictly speaking, Royal Letters Patent are) requisite for the creation of a new borough, in order to bring a district and its inhabitants under the provisions of the Municipal Corporations Act. But while a charter is still necessary for the creation of a borough, yet today, when once it has been granted, little reference is thereafter made to it ; all the rights and duties of the burgesses are derived from Acts of Parliament ; during the eighteen years that I have been Town Clerk of the smallest borough in England, I have had occasion only once to consult the charter bringing the borough within the provisions of the Municipal Corporations Act, or to the scheme accompanying that charter, and that was to settle a point of disputed boundaries : but scarcely a day passes in which reference has not to be made to one or another of the Acts of Parliament defining the duties of the Town Council and of the burgesses. And, it might be noticed in passing that while in the old charters, the emphasis is laid on the privileges of the burgesses, on their exemption from the common law of the land,—in the modern Acts of Parliament, this emphasis is laid on their duties, on the higher standard of sanitation and education which is required in the urban communities.

Before 1835 however, reference to the charter would be made as frequently as to the Acts of Parliament today : was it a question of the election of the Mayor ? the procedure was in most cases laid down by the charter. Did a burgess complain that market tolls had been taken from him illegally ? Again, the charter would be studied. And

when a committee of the House of Commons inquired into an election petition the borough charter was the first document to be consulted.

Considering then the important part played by the charter in early municipal history, it is somewhat astonishing to find that except for Miss Bateson's studies on the Laws of Breteuil and their grant to English and Irish boroughs¹ no one has attempted to bring together the charters of any period with a view to their comparison. Yet there is abundant material for such a comparison. The Historical Manuscripts Commission has examined the archives of many boroughs; the Calendars of the Charter and Patent Rolls have disclosed many charters which were missing in the municipal collections: many boroughs and cities have published transcripts and digests of their archives; and collections relating to London, Cambridge, Leicester, Nottingham, Northampton, Norwich and Southampton (to name a few only) are to be found in most of our libraries: already we know most of what will ever be learnt of the local customs and of the development of the institutions of these individual boroughs.

But we want to know more than this: we want to learn the steps in the development of each burgensic privilege: we want to know how far any privilege was peculiar to one borough or common to a number: we want to know the relationship of the various boroughs to each other: we want, if possible, to lay down some general rules which will enable us to formulate some definition of the "borough": and above all, we want to know whether our British boroughs are indebted to continental precedents. And these points can be learnt only by a comparison of the charters of one borough with those of another. For this comparison, it will be necessary to analyse each charter into its constituent clauses, and then to codify these clauses under their appropriate titles. This was the course adopted by the late Miss Bateson in her invaluable collection of Borough Customs, and if it is necessary in dealing with the custumals, it is far more necessary in dealing with the charters: for we shall see that clauses of charters, and even whole charters, granted to one borough were often copied verbatim for the benefit of its neighbour; and this arrangement will show at a glance the relationship of one borough to others. Thus, of the eight clauses in John's Hereford charter of 1215, two were taken from the Dunwich charter of the same year, one from that of Oxford (1156), a fourth is based on a similar clause in the Dunwich charter of 1200, and a fifth is repeated from an earlier charter granted to

¹ 15 and 16 *E.H.R.*

Hereford itself in 1189. But such an analysis of all the borough charters from the Norman Conquest to the Reform Parliament would require the collaboration of many students for many years, and when completed would be so large as to be unmanageable. And we therefore propose as an experiment to compile an analytical digest of the borough charters of the British Isles granted before the death of King John.

Possibly it would seem better to have made the death of Richard I the limit of this collection: and indeed its first draft did not contain any document of a later date; but, on comparing the charters of the twelfth century with my analysis of John's borough charters which appeared in the *English Historical Review* of January 1899, I was surprised to find that John's reign introduced only one new idea which could not be found in the earlier charters, the idea of the "liber burgus." So that the charters of that reign are more akin to the charters of the twelfth century than to those of the latter part of the thirteenth century¹. There is, however, one great drawback to our plan of analysing the charters into their constituent clauses, and that is the extremely illogical order in which, according to our ideas, the various privileges are arranged; and the consequent necessity of separating, in our digest, clauses and privileges which the draftsman had grouped together. Thus the draftsman of the Marlborough charter included in one clause privileges which are here arranged under six heads: strict logic would probably demand a more minute division: the burgesses were to be quit of (1) toll and other dues on merchandise, (2) appearance at shire and hundred courts, (3) the murder and other fines, churchshot, foster-hen and brewing gafol, (4) scotale, (5) sale of widows, (6) appearance and pleas in the forest courts. Closer examination will show some connection between all these quittances: for appearance at shire and forest courts was often excused for a money payment, and the draftsman would answer our charge of want of logic on his part, by saying that the burgesses wanted exemption from all these liabilities and payments, and were not interested in the sources from which they issued or the reasons for which they were paid, so long as they secured that exemption. It might have been possible to print this clause as a whole with cross references from the other titles under which its parts would have appeared, but, after careful

¹ The alleged charter of John to Waterford (*Chart. Hib.* 13) appears to be evidence against this statement; but as to this charter see Addenda.

consideration, the gain secured by a logical analysis of these exemptions would seem to be superior to any advantage that might arise from the retention of the confused arrangement of the draftsman.

The Table on pp. cxxxviii *et seq.* shows what clauses are included in every one of these charters, but not the order in which these clauses are arranged: if the order is required, the student must consult the documents from which the charters are derived.

2. *Scheme of the Book*

This volume, then, professes to be an analytical digest of the charters granted to the burgesses of the boroughs of the British Isles before the 19th of October 1216, the day of the death of King John: but in two ways it is more than it professes to be. In the first place, it contains many undated charters which may possibly date from the earlier years of Henry III; for if some lord granted a charter which can be dated only by the extreme limits of his succession and death, such charter is included, if the earliest possible date is within the reign of King John.

Then, in addition to the documents which are strictly called charters, this volume contains many writs and some customals.

The distinction between a writ and a charter is well known; a writ is a document addressed to some specified person or persons: a charter is addressed to many classes of persons, and the distinction can be grasped if the address of a writ is printed by the side of the address of a charter.

Henricus, Rex Anglorum Hamoni de Sancto Claro et burgensibus Colecestriae, salutem.

Henry King of the English to Hamo de St Clare and the burgesses of Colchester, greeting.

Henricus, Rex Anglorum et Dux Normanniae et Aquitaniae et Comes Andegaviae Archiepiscopis Episcopis Abbatibus Comitibus Baronibus Justiciis Vicecomitibus ministris et omnibus suis Francis et Anglis Salutem.

Henry King of the English and Duke of Normandy and Aquitaine and Count of Anjou, to his Archbishops Bishops Abbots Earls Barons Justices sheriffs ministers and all his men, French and English, greeting.

It would be impossible to include all the writs issued to burgesses during this period; the Patent and Close Rolls of John's reign contain hundreds of such writs of which the majority are of merely temporary

significance, such as orders to pay parts of the fee farm rents to certain individuals; we have restricted our selection to those which illustrate some general principle. Thus in 1104 Henry I sent a writ to the Sheriff of Kent commanding him to restore to the tenants of St Augustine (at Canterbury) certain pledges which the men of Canterbury had taken to secure their contribution to the aid that was being levied in the city: but the King added "I do not wish that the servants of St Augustine, who neither buy nor sell nor carry on traffic shall pay this aid": evidently those who traded in Canterbury were liable to contribute, and this we find was the rule in other boroughs, a rule which is illustrated by this writ. Other writs omitted from this collection are those relating merely to the rights of those who drew income from the borough or from the burgesses or from some of them: a writ of Henry II forbade the tenants of the Abbot of Gloucester, who were also burgesses, to retain the dues they owed to him; but this writ, with many of a like nature, is omitted as illustrating no general principle.

Both writs and charters are alike in that they were addressed by a superior—the King or a mesne lord—to inferiors and either (1) grant some privilege or privileges or (2) command the observance of some privilege or (3) are both grants of privileges and commands to secure their observance.

But a custumal is a document of a different nature: it is a mere recital, compiled by or on behalf of the claimants, of the privileges claimed or the customs observed by the claimants; and as a rule none of them contain any words of grant or command. Three English custumals, those of Tewkesbury, Cardiff and Newcastle-on-Tyne (B text) however, are prefaced by statements that the customs contained therein had been granted to the burgesses by the King or the lord of the borough, and are therefore contained in this collection: indeed the Tewkesbury custumal was afterwards confirmed by a charter of Gilbert de Clare. The Scottish custumal—the *Leges Quattuor Burgorum*—is also prefaced by a statement that the laws were granted by David, King of Scotland, and parts of it are also printed here. But there are three English custumals of this period which are prefaced by no such statement, and are therefore omitted: they are the *Libertas Londoniensis*, printed by Liebermann, *Gesetze der Angelsachsen*, p. 673, the London collection of John's reign, contributed by Miss Bateson to 17 *English Historical Review*, pp. 480, 707, and the Northampton custumal of about 1190, contained in Douce MS. 98, fo. 158a, and consisting of 24 clauses, of which 21 are printed by

Miss Bateson in her *Borough Customs*: one of the three clauses which she has omitted is here printed in the footnotes under its appropriate title and the others in the Addenda.

For practical purposes the important difference between a charter and a writ on the one hand, and a custumal on the other hand, would be that in proceedings in the King's court, a charter would prove itself by its mere production, while the contents of a custumal would have to be proved by some person who testified to their accuracy. But although there was this difference between a charter and a custumal, yet occasionally a custumal was the foundation of a charter: thus the version of the Newcastle-on-Tyne custumal, which I have distinguished as the B text, was repeated with but slight variations in Hugh de Puiset's charter to Wearmouth between the years 1180 and 1186; two of the clauses in that charter, however, are taken from the A text. There is internal evidence that the privileges granted by Roger de Lacy to the burgesses of Pontefract in 1194, and alleged to be the customs of Grimsby, were actually copied from a custumal furnished by the burgesses of that town. For, although in most of the clauses relating to the privileges of the burgesses, the verb is in the third person singular, yet in two clauses, it is in the first person plural: in the clause relating to the limitation of claims to real property (II 11) we read, "Non tenemur respondere cuiquam de aliquo tenemento etc." (we are not bound to answer anyone concerning any tenement): the first person plural is rightly used by the burgesses in setting out their claims in their custumal, but is wrongly used in the grant of privileges by the lord: and this passage is corrected in the Leeds charter of 1208, which professes to be, and actually is in other respects, a copy of the Pontefract charter; in the Leeds charter the draftsman substitutes the third person singular for the first person plural,—tenetur for tenemur.

But the distinction between charters, writs and custumals does not exhaust the questions which must be answered in deciding what documents shall be included in our collection; what is a borough? At this stage of our inquiry we shall not attempt an answer to this question for which there is luckily no present need: for the draftsmen of the Chancery referred in the charters to certain places as *civitates* or *burgi*, and to their inhabitants as *cives* or *burgenses*¹, and with the

¹ At this period a city was a borough that was the seat of a bishop: and no distinction will be made in these pages between cities and boroughs. Richard of Devizes quotes an old Jew's saying "Chichester and Rochester are both *viculi*,

exception of the individual Cinque Ports and their members we have included in this collection no charters except those relating to places which within our period were styled cities or boroughs in documents emanating from the Chancery or from their lord, or whose inhabitants are called citizens or burgesses in such documents.

By adopting this hard and fast standard, we have ruled out a few documents relating to places that in other times have been recognised as boroughs: for instance in 1157, Henry II granted to the men of Cricklade a charter exempting them from the payment of toll and other dues; and today there is a tradition at Cricklade that when within recent times an inhabitant of the town was sued for market tolls at Swindon, he pleaded this charter and escaped payment; but, although Domesday Book records the existence of burgesses in Cricklade¹, and the town returned two members to Parliament in the reign of Edward I, yet within our period there is no document applying the style "burgus" to the town or "burgenses" to its inhabitants. Similarly John granted the vill of Kingston on Thames to the men of that town in 1208, but the vill is not termed a borough till the middle of the next reign. On the other hand, if a town is once styled "burgus" or its inhabitants styled burgesses, all the charters to its inhabitants are thereafter included; thus, in 1200 King John confirmed to the *burgesses* of Scarborough the customs of York which had been granted to them by his father in 1163: in the next year he granted the vills of Scarborough and Falsgrave to the *men* of Scarborough at farm, to be paid into the Exchequer; but three months later he ordered the *burgesses* to pay their farm, not at the Exchequer but to the Constable of the Castle.

Having thus decided the nature of the documents to be included in our collection, and given the reasons for their inclusion, and for the rejection of other documents of a somewhat similar nature, we must now consider the scheme according to which our code must be arranged: the section on the Boroughs in Pollock and Maitland's *History of English Law*² contains an analysis of the usual burgensic privileges of the thirteenth century arranged under nine sections, and that analysis is the basis of our scheme. It is there that we find the analysis of the privileges into Jurisdictional, Mercantile and Tenorial, meaning by the last term, such privileges of the burgesses

little villages, and show no reason why they be called cities, except that they be Bishops' Sees." *Chronicles of Stephen etc.* III 437.

¹ D.B. I 65 a 1 etc.

² Vol. I pp. 643—668.

as cannot be included in either of the preceding sections. Two sections included in their analysis are entirely wanting among our clauses, the right to make bye-laws, and the right to levy taxes: however, it is possible that these rights were implicitly conferred by the creation of a borough, as we find the burgesses of Ipswich fixing tolls and making bye-laws within a short time of the granting of their charter, although no licence for these acts is granted by that charter.¹

We have been obliged to add three sections to those suggested by the *History of English Law*, sections on the creation of the borough, Burgage Tenure and the law of real property, and the Burgess Franchise: before we can discuss the privileges of the burgesses we must try to ascertain how a borough is created, and by what means a man becomes a burgess; and, as the ownership of a burgage is one method of entering the privileged community, burgage tenure and its incidents form one of our preliminary sections, to which we have transferred such of Pollock and Maitland's Tenurial privileges as attached to the owner of a burgage tenement, leaving for our section with that title those privileges which attach to a burgess by virtue of his being a member of a privileged community. On the other hand, we have included the merchant guild among the mercantile privileges, and have not followed our exemplar in devoting to it a separate section.

It would have been easy to have doubled the number of titles in the code: the clauses on suit of mill, for instance, could have been divided under two titles, one containing those boroughs where the burgesses were exempt from this suit, and the other including those where this suit was reserved to the lord: but on the whole, it was thought better to avoid too minute subdivision.

In the code itself, the clauses in any particular title are arranged as far as possible in chronological order, and where the same clause is found in several charters, the oldest charter is taken as the original, and the other examples are treated as being derived from the original: but all the charters of any particular borough are grouped together: the names of the boroughs whose charters contain these derived clauses are printed under the original clause, with notes showing the important variations; but there are several classes of unimportant variations of which no notice is taken:

(1) The change in the Royal style after the accession of Richard I from the first person singular to the first person plural.

¹ *Gild Merchant* II 114—123.

(2) The interchange between *civitas* and *burgus* and *civis* and *burgensis*, and of the names of places.

(3) The interchange of conjunctions; e.g. *etiam* for *insuper*.

(4) Any variation in the order of the words, unless such variation produces a change of meaning.

It is therefore necessary to warn students that the actual text of a charter may vary in these respects from the version appearing in these pages: a local historian should refer to the source quoted in the table on pp. xxii—xxix.

3. The Contents of a Charter

The typical charter of an English King consisted of five parts: the address, the conferment of privileges, the Volumus clause, the clause prohibiting disturbance and imposing a penalty for disturbance, and the Dating clause. The charter which Henry II granted to the citizens of Chichester in July 1155 shows all five of these parts.

The address. Henricus Rex Anglorum et Dux Normannie et Aquitannie et Comes Andegavie justiciis vicecomitibus et ministris suis totius Anglie, Salutem.

“Henry, King of the English Duke of Normandy and Aquitaine and Count of Anjou, to his justices sheriffs and ministers of the whole of England, Greeting.”

The conferment of privileges. (a) Sciatis me concessisse civibus meis de Cicestria qui sunt de gilda mercatoria omnes libertates et liberas consuetudines suas infra burgum et extra, ut eas habeant ubique ita plene et libere et quiete et honorifice sicut plenius et honorificentius habere solebant tempore Regis Henrici avi mei. (b) Et nullus in civitate Cicestria vendat pannos per detaillum nisi sit de gilda mercatoria sicut idem Rex Henricus per breve suum precepit.

“(a) Know ye that I have granted to my citizens of Chichester who are of the merchant guild, all their liberties and free customs within the borough and without, that they may have them everywhere as fully and freely and quietly and honourably as they most fully and honourably were wont to have them in the time of King Henry my grandfather. (b) And no one in the City of Chichester shall sell cloth by retail except he be of the merchant guild as the same King Henry ordered by his writ.”

The Volumus clause. Quare volo et firmiter precipio quod ipsi

habeant et teneant gildam suam cum omnibus libertatibus et consuetudinibus ad eam pertinentibus sicut melius solebant habere tempore Regis Henrici.

"Wherefore I will and firmly command that they have and hold their guild with all its liberties and free customs as best they were wont to have it in the time of King Henry."

The prohibition of disturbance. Ne quis super hoc forisfacere presumat.

"Let no one presume to incur a forfeiture on this account."

The Dating clause. Testibus, Reginaldo Comite Cornubiae, Henrico de Essex, Constabulario, Ranulpho de Bros, apud Brugiam.

"Witnesses, Reginald Earl of Cornwall, Henry of Essex, the Constable, and Ralph de Bros, at Bridgenorth."

In the following pages the only part of the charters that is fully transcribed is the second part, the conferment of privileges on the burgesses; the number of clauses in this part, of course, varies considerably: Henry II's charter to London can be analysed into 15 or 16 clauses: but we often find that the length of the charter varies inversely with the importance of the borough; Pembroke, with 16 clauses, Okehampton 18, Pontefract 22, and Egremont with 29, are examples of this fact. And this fact is not, after all, cause for astonishment: the older boroughs had their customs which had been in use for generations; but when a new borough was founded, it was necessary to set down in black and white the privileges of the burgesses, the points in which they were exempted from the common law, so that in the future disputes might be avoided. The preamble to the Corbridge charter of John fitz Robert should be consulted on this point: here, it appears, there had long been disputes between the burgesses and the lord's bailiffs as to the privileges of the former, and to settle all disputes, the charter was drawn up and sealed by the lord; and very many of the charters were obtained by the payment of good round sums of money to the grantors: for their charter, the burgesses of Pontefract paid Roger de Lacy no less than 300 marks of silver.

It will however be noticed that the Chichester charter, like so many others, begins with the words "Know ye that I have granted," and is therefore strictly speaking a notification of the conferment of privileges, and not the actual means by which these privileges were conferred. But in charters beginning with these words, can often be found clauses beginning "I have also granted." The first clause in a charter—the address—requires no notice, and is never printed in our collection;

but the form of the address differentiates a charter from a writ on the one hand and from letters patent on the other: the writ is addressed to an individual and a limited class, and the letters patent "to all to whom these presents shall come"; of these latter, we have a few examples.

The *Volumus* clause is the clause by which the King orders the observance by others of the privileges conferred by the second part of the charter; these clauses naturally vary from charter to charter, but are all practically similar to that quoted in our example, except that occasionally the *Volumus* clause contains certain privileges which are not contained elsewhere in the charter; thus, the charters to the burgesses of Oxford in 1156, and of Bedford in 1189 order the observance of the sake and soke of the burgesses although there had been no earlier mention of these privileges in the preceding clauses of the charters. Again, the *Volumus* clauses of King Richard's grant of the Aldermanry in Canterbury states that the Aldermanry had previously belonged to Edward the son of Albod, information which is not contained in the earlier clauses. And, in such cases, where the *Volumus* clause contains additional privileges or additional information it will be noted or printed under its appropriate title.

The Penalty clause, or the clause forbidding disturbance of the grantees in the enjoyment of their privileges, appears in a number of forms. Sometimes it is a simple prohibition of disturbance on the lines of the clause in the charter quoted above. Sometimes, it is a prohibition enforced by threat of a forfeiture to the grantor; *e.g.* Winchester 1155—8, "*Et nullus super hoc disturbet neque injuriam neque contumeliam eis faciat super forisfacturam meam*"; "And let no one on this account disturb them or do them any injury or insult on pain of my forfeiture." Sometimes the prohibition is enforced by threat of a money forfeiture to the grantor: *e.g.* Nottingham 1189, "*Et prohibeo ne quis contra hanc cartam meam predictos burgenses vexare presumat in aliquo super decem libras forisfacti mei*"; "And I forbid that any one presume to vex the aforesaid burgesses contrary to this my charter in any wise, on pain of £10 to be forfeited to me." The usual penalty is £10, but in one of the Chester charters it is fixed at £20, while at Pembroke it rose to £60 sterling, and at Carmarthen the person who disturbed the burgesses ran the risk of forfeiting all his chattels. The charter granted by Archbishop Thurstan to the burgesses of Beverley reminds us of the pre-conquest charters in that its observance is enforced by a curse; "*Et volo quicumque hoc disfecerit, anathema sit, sicut ipsius ecclesiae asserit consuetudo et*

sicut statutum est in ecclesia S. Johannis"; "And I will that whoever contravene this, shall be accursed, as the custom of the said church asserts, and as is decreed in the church of St John." And Dugdale's account of the charter of Bishop John de Constantiis to the burgesses of Stratford-on-Avon says that the Bishop threatened excommunication against all persons who should presume to make violation of their privileges. The two Papal charters confirming the customs of the burgesses of Durham and Beverley are also sanctioned by a threat of the anger of "Almighty God, and of the Blessed Peter and Paul, his apostles."

Occasionally the prohibition is accompanied by an order to the King's officers to maintain the burgesses in the exercise of their rights: and the clause in the Chester charter to this effect is printed among the clauses relating to the grant of the lord's peace. But the Penalty clauses are not printed in this collection.

Another clause that is not printed is the Dating clause: nor is it indicated in the list of clauses; from the accession of Richard I all the Royal charters are dated by the day, month and regnal year of the grantor: but all previous charters are dated by their witnesses: on a later page will be found the names of the witnesses which enable us to date some of the undated charters of Henry II which are not dated by the editors of our various sources.

What has been said of the Royal charters applies as a general rule to the charters of bishops and lords, except that they often omit the Volumus clause, and as frequently insert two clauses which were usually inserted in contemporary conveyances of land, but would have been out of place in Royal charters: in the Trim charter of Walter de Lacy is a Warranty clause "*Supradictam vero libertatem ego et heredes mei eis imperpetuum warrantizabimus et tenebimus*"; "And the aforesaid liberty I and my heirs for ever will warrant and hold to them." A few charters contain a Sealing clause "*Et ut haec mea donatio et concessio rata et inconcussa perseveret in posteris, prefatae cartae meae sigillum meum apposui*"; "And that this my gift and grant may remain firm and unbroken in future, to my aforesaid charter I have set my seal." The Sealing clauses may differ slightly, but are all practically equivalent to that which we have quoted from Maurice Paynell's charter to Leeds in 1208.

Very many of our earlier charters are quoted from later charters, in which, after the address, the grantor says *e.g.* "*Inspeximus cartam quam celebris memoriae Henricus quondam Rex Angliae pater noster fecit burgensibus Oxoniae in haec verba*"; "We have inspected a charter

which Henry of renowned memory formerly King of England made to the burgesses of Oxford in these words."

Then follows a copy of the previous charter, which in its turn is followed by words of confirmation and ratification as follows:

"Nos autem concessionibus et confirmationibus predictas ratas habentes et gratas, eas pro nobis et heredibus nostris prefatis burgensibus et successoribus suis burgensibus ejusdem villae concedimus et confirmamus sicut cartae predictae rationabiliter testantur."

"Now we, considering the aforesaid grants and confirmations to be steadfast and pleasing for us and our successors grant and confirm them to our aforesaid burgesses and their successors being burgesses of the same town as the aforesaid charters reasonably testify."¹

This species of charter came into general use in the 11th year of Henry III although I have found a charter in which King John inspected and ratified a charter that had been granted by his father². If, before 1227, a king wished to ratify a charter granted by any of his predecessors, he regranted it in his own name and added *e.g.* "*Sicut carta Henrici patris nostri quam inde habent rationabiliter testatur*"; "As the charter of King Henry our father, which they have to that effect, reasonably testifies." Sometimes the original charter and the regrant are both in existence, but in a few cases the only survivor is that of John granting certain privileges to the burgesses of certain towns, and concluding with the words above quoted; and in such cases I have ventured to reconstruct the original and insert it in our list as of the reign of Henry II: but all such reconstructions are noted in the text of the code. The risk in so doing is infinitesimal; there are a number of cases in which both charters have been preserved, and from them we see that John invariably used the exact words that had been used by his father; but there are not a sufficient number of charters of Henry I which have survived, to enable us to speak with such certainty as to his language and to justify our reconstruction of his charters which were regranted by his grandson.

The language of the charters will not cause any difficulty to one who has a moderate knowledge of the Latin language: John's charter to Cork is the only Norman-French charter in this collection: I have ventured to alter the *-e* of the scribes into *-ae* (*ecclesie* to *ecclesiae*) and the *c* into *t* (*rationabiliter* for *racionabiliter*), and also to expand the

¹ *Royal Letters to Oxford*, 16.

² Rot. Chart. 53, for the Earl of Hereford.

contractions: this is especially necessary when the text is reproduced from old books in which the Latin is sometimes very corrupt.

4. Sources

The following table shows the charters and other documents contained in this volume, their dates, their grantors, and the sources from which our text is derived. Any critical notes that may be required will be found in the next section of this introduction, but as a general rule, no such notes are required.

The names of the boroughs mentioned in Domesday Book are printed in capitals, and of those founded by mesne lords in *italics*. (R) after the date shows that this charter has been reconstructed¹.

ENGLAND AND WALES

<i>Alnwick</i>	...	1157-85	William de Vescy	Tate, Alnwick, I, 481.
<i>Andover</i>	...	1175	Henry II	...
		1194	Richard I	...
		1201	John	...
		1205(May 1)	Do.	...
		1205(May 29)	Do.	...
		1213	Do.	...
<i>Appleby</i>	...	1181	Henry II	...
		1200	John	...
<i>Barnard Castle</i> ...	c.	1175	Bernard de Balliol	...
		1215-27	Hugh de Balliol	...
BARNSTAPLE		1154-8	Henry II	...
		1200	John	...
BATH	...	1189	Richard I	...
BEDFORD	...	1166	Henry II	...
		1189	Richard I	...
<i>Beverley</i>	...	c. 1130 ²	Archbp. Thurstan	...
		1124-35	Henry I	...
	c.	1154 ²	Archbp. William	...
		1181-5	Pope Lucius	...
		1182	Henry II	...
		1194	Richard I	...
		1200	John	...
<i>Bideford</i>	...	1204-17	Richard de Grenville	...
<i>Bradninch</i>	...	1141-75	Reginald, Earl of Cornwall	...
		1215-20	Henry, son of Reginald	...

¹ See p. xxi.

² For the dates of these charters see *Beverley Town Documents*, pp. xix, xxi.

³ Trans. Toulmin Smith, *English Gilds*, 153.

Bridgenorth	... 1157	Henry II	... Cal. Charter Rolls, III, 215.
	1215	John	... Rot. Chart. 205.
Bridgewater	... 1200	Do.	... Do. 73.
	1215	Do.	... Do. 204.
BRISTOL	... 1164	Henry II	... Seyers, Charters of Bristol.
	1171	Do.	... Hist. & Mun. Documents Ireland, I.
	1185	John, Count of Mortain	... Do. 49.
	1188	Do.	... Little Red. Book (ed. Bickley) (photo.).
Burford (Oxon)...	1087-1107	Robert fitz Hamo	Gild Merchant, II, 29.
	1147-73	William, Earl of Gloucester	Do. 28.
	1155-8	Henry II	... Hist. MSS. Comm. 1901, pt. I, 31.
	1156	Do.	... Do.
Burton-on-Trent	1197-1213	Abbot William	... Journal Brit. Arch. Assn. VII, 422
Bury St Edmunds	1102-3	Henry I	... 24 Eng. Hist. Rev. 425.
	1135-54	Stephen	... Do. 429.
	1121-38	Abbot Anselm	... 2 Amer. Hist. Rev. 689.
	1182-1212	Abbot Samson	... Monasticon, III, 153.
CAMBRIDGE...	1120-31	Henry I	... Charters of Camb. 2.
	1185	Henry II	... Do. 2.
	1201	John	... Do. 4.
	1207	Do.	... Do. 6.
CANTERBURY	1104	Henry I	... Brit. Mus. MSS. Julius D. 2, p. 88 ^b .
	1155-8	Henry II	... Hist. MSS. Comm. Rep. 9, App. I, 166.
	1193-9	Richard I	... Cartae Antiquae E. 16.
	1200	John	... Rot. Chart. 68.
Cardiff	... 1147-83	William & Robert, Earls of Glo'ster	... Cartae Glamorganniae, III, 78.
Cardigan	... 1199	John	... Rot. Chart. 63.
Carlisle	... 1154-89	Henry II	... Hist. MSS. Comm. Rep. 9, App. I, 197.
Carmarthen	... 1154-89 (R)	Henry II	... Arch. Camb. Ser. IV, vol. 9, App. 27.
	1201	John	... Rot. Chart. 83.
CHESTER	... 1171	Henry II	... Photo. in Arch. Cambrensis 1910, p. 418.
			... Hist. MSS. Comm. Rep. 8, App. 356, No. I.
	1188-99 (a)	John, Count of Mortain	... Do. No. 5.
	1188-99 (b)	Do.	... Do. No. 6.
	1190-1212 (a)	Earl Randle Blundeville	... Do. No. 2.
	1190-1212 (b)	Do.	... Do. No. 3.
	1208-26	Do.	... Do. No. 4.
	1202	John	... Do. No. 7.
Chesterfield	... 1204	Do. (to Wm. Briwerr)	... Rot. Chart. 139.
	1213	Do. (to Ric. Briwerr)	... Do. 195.
	1215	Do. (to Wm. Briwerr)	... Do. 217.
CHICHESTER	1135-54	Stephen	... Ballard, Chichester, 92.
	1155 (March)	Henry II	... Ib.
	1155 (July)	Do.	... Ib.

COLCHESTER	1120-30	Henry I	...	Chartulary of St John of Colchester, I, 28.
	1120-35	Do.	...	Do. 23.
	1189	Richard I	...	Cal. Charter Rolls, I, 410.
Corbridge	... 1201	John	...	Rot. Chart. 87.
	After 1212	John fitz Robert...	...	Percy Chartulary, 283.
Coventry	... 1181-6	Earl Ralph	...	Life in Old English Town, p. 46.
	1186	Henry II	...	Cal. Charter Rolls, II, 88.
DERBY	... 1204	John	...	Rot. Chart. 138.
Devizes	... 1135-54	Empress Maud	...	Waylen, Devizes, 157.
	1200	John	...	Rot. Chart. 78.
Doncaster	... 1194	Richard I	...	Pat. Roll, 5 Rich. II, pat. I, m. 3.
				English version in Tomlinson, Donc. 17.
DOVER	... 1154-89 (R)	Henry II	...	Rot. Chart. 83.
	1201	John	...	Do. 83.
	1205	Do.	...	Do. 153.
DROITWICH	... 1215	Do.	...	Do. 216.
Dunstable	... 1112-7	Henry I	...	Monasticon, VI, 239.
DUNWICH	... 1200	John	...	Rot. Chart. 51.
	1205	Do.	...	Do. 159.
	1215	Do.	...	Do. 211.
Durham	... 1153-81	Bp. Hugh de Puiset	...	Hutchinson, Durham, II, p. 13.
	1159-81 ¹	Pope Alexander III	...	Ib.
Egremont	... c. 1202	Richard de Lacy	...	Burns, Westmoreland, II, p. 526, also Cumb. & Westm. Antiq. Soc., I, 282.
Elvet	... 1188-1219	Prior Bertram	...	Foedarium Prioratus Dunelmensis, 199 n.
EXETER	... 1154-8	Henry II	...	Liber Customarum, 667.
	1189	Richard I	...	Photograph supplied by Town Clerk.
	1189	Richard I	...	Do.
	1189-99	John, Count of Mortain	...	Do.
	1200	King John	...	Rot. Chart. 70.
Eynsham	... 1215	Abbot Adam	...	Cart. of Eynsham Abbey, I, 60.
Folkestone	... 1135-41	Stephen	...	Boys, Sandwich, 816.
FORDWICH	... 1070-86	Odo, Bp. of Bayeux	...	Brit. Mus. MSS. Julius D. 2, p. 91.
	1070-86	William I	...	Ib.
	1154-75	Henry II	...	MS. Claudius D. X, fo. 325.
	1186	(Fine)	...	Julius D. 2, 101.
Frodsham	... 1209-28	Earl Randle Blundeville	...	Ormerod, Cheshire, II, 46.
Gateshead	... 1153-95	Bp. Hugh de Puiset	...	Boldon Book, App. xl.
GLOUCESTER	1155-8	Henry II	...	Hist. MSS. Comm. Rep. 12, App. 9, 400.
	1155-66	Do.	...	Cart. Gloucester, I, 154.
	1163-74	Do.	...	Cal. Charter Rolls, III, 200.
	1194	Richard I	...	Hist. MSS. Comm. Rep. 12, App. 9, 400.
	1194	Do.	...	Ib.
	1200	John	...	Rot. Chart. 56.
Grimsby	... 1201	Do.	...	Do. 91.
	1207	Do.	...	Do. 168.

¹ Hutchinson dates this 1179 or 1180.

GUILDFORD...	1129-35	Henry I	...	Journal Brit. Arch. Assn. xxix, 260
	1154-8	Henry II	...	Register, St Osmund, I, 238.
Hartlepool	... 1201	John	...	Rot. Chart. 86.
HASTINGS	... 1154-8	Henry II	...	Cal. Charter Rolls, III, 219.
	1205	John	...	Rot. Chart. 153.
Haverfordwest	... 1189-1219	William Marshal, Earl of Pembroke	...	Arch. Camb. Ser. IV, vol. 10, p. xxxvii.
Hedon	... 1154-73	Henry II	...	Boyle, Hedon, App. iii.
	1201	John	...	Do. iv; and Rot. Chart. 81.
Helston	... 1201 (2)	Do.	...	Rot. Chart. 93.
HEREFORD	... 1154-8	Henry II	...	Do. 53.
	1189	Richard I	...	Hist. MSS. Comm. Rep. 13: part 4, 284.
	1215	John	...	Rot. Chart. 213.
HUNTINGDON	1100-24	Henry I	...	Monasticon, VI, 80.
	1205	John	...	Rot. Chart. 157.
HYTHE	... 1156	Henry II	...	Cal. Charter Rolls, III, 219.
	1205	John	...	Rot. Chart. 153.
ILCHESTER	... 1204	Do.	...	Do. 130.
IPSWICH	... 1200	Do.	...	Do. 65.
Lancaster	... 1193	John, Count of Mortain	...	Farrer, Lancashire Pipe Rolls, 416.
	1199	King John	...	Rot. Chart. 26.
Leeds	... 1208	Maurice Paynell	...	Whitaker, Loidis & Elmete, p. 7.
Leek	... 1209-28	Earl Randle Blundeville	...	MS. Harl. 1985, fo. 189 b.
LEICESTER	... 1103-18	Count Robert of Meulan	...	Records of Leic. I, p. 1.
	1118-35	Henry I	...	Do. p. 1.
	1159-62	Earl Robert (Bossu)	...	Do. p. 2.
	1118-68 (3)	Do.	...	Do. pp. 3-4.
	1191-1204 (3)	Do.	...	Do. pp. 5, 6, 8.
	1199 (2)	John	...	Do. p. 7; and Rot. Chart. 32.
LEWES	... 1148	Reginald de War- renne	...	Facsimiles of Charters in B. M. I, 31.
LINCOLN	... 1154-8	Henry II	...	Cal. Charter Rolls, III, 312.
	1154-63	Do.	...	Do. p. 7, No. 3.
	1154-63	Do.	...	Do. p. 7, No. 4.
	1155-75	Do.	...	Do. p. 7, No. 1.
	1154-71	Do.	...	24 Eng. Hist. Rev. 309.
	1157	Do.	...	Hist. MSS. Comm. Rep. 14, App. 8, 2.
	1154-79	Do.	...	Do. 5.
	1194	Richard I	...	Cal. Charter Rolls, III, 8.
	1200	John	...	Hist. MSS. Comm. as above.
Liverpool	... 1207	Do.	...	Rot. Lit. Pat. 75.
LONDON	... 1066-75	William I	...	Liebermann, Gesetze der An- gelsachsen, p. 486.
	1131	Henry I	...	Do. p. 524.
	1155	Henry II	...	Liber Custumarum, 31.
	1194	Richard I	...	Do. 248.
	1196	Do.	...	Foedera, I, 67.
	1199	John	...	Liber Custumarum, 249.
	1199	Do.	...	Liber Albus, 133.
	1199	Do.	...	Rot. Chart. xl.
	1215	Do.	...	Do. 207.
(Weavers' Gild):	1155-8	Henry II	...	Liber Custumarum, 33.
	1202	John	...	Bodleian Library MS. Raw- linson B. 356, fo. 91.

LONDON (*contd.*)

(Westminster soken):

1135-54

(Huntingdon soken):

1175

(Soken of Knights' Gild):

1042-4

1087-1100

1108-23

1107-23

1124-8

1123-35

1135-54

1158

(Chertsey soken): 1058-66

1133

Lostwithiel ... 1190-1200✓ *Lydd* ... 1154-8*Lynn* ... 1204

1204

1204

1204

MALDON ... 1166-75

MALMESBURY 1205-22

MARL-

BOROUGH¹ 1204✓ *Morpeth* ... 1188-1239*Neath* ... 1147-73✓ *Newcastle-on-Tyne* 1100-35

(Laws)

1154-89 (R)

1201 (3)

1213

1216

✓ *Newport (Salop)* 1163-6✓ *Norham* ... 1153-95

NORTH-

AMPTON 1189

1200

NORWICH ... 1154-8

1191

1194

1199

NOTTINGHAM 1157

1189

1200

OKEHAMPTON 1194-1242

Oswestry ... 1190-1200

OXFORD ... 1156

1199

(Cordwainers' Gild):

1175

Stephen

Henry II

Edward Confessor

William II

Henry I

Do.

Do.

Do.

Do.

Stephen

Henry II

Edward Confessor

Henry I

Robert de Cardi-

nan

Henry II

John

Bishop John

King John

Henry II

Abbot Walter

John

Roger de Merlai

William, Earl of

Gloucester

Henry I

Henry II

John

Do.

Do.

Do.

Henry II

Bp. Hugh de Puiset

Richard I

John

Henry II

Richard I

Do.

John

Henry II

John, Count of

Mortain

King John

Robert de Curtenay

William fitz Alan

Henry II

John

Henry II

... Westminster Domesday, fo. lv.

... Foedera, I, 46. Facs. of

... Charters in B. M. No. 54.

... MSS. Guildhall Library, 122,

... IV, 2.

... Lond. & Middx. Arch. Assn.

... v, 488.

... Do. 489.

... Foedera, I, 12.

... Do. II.

... Do. II.

... Monasticon, VI, 158.

... Foedera, I, 41.

... Kemble, Codex Diplomaticus, No. 856.

... Monasticon, I, 432.

... Hist. MSS. Comm. 1901,

... part I, 328.

... Cal. Charter Rolls, III, 220.

... Rot. Chart. 118.

... Blomfield, Norfolk, VIII, 483.

... Rot. Chart. 138.

... Cal. Charter Rolls, II, 351.

... Registrum Malmesburiense,

... I, 446.

... Rot. Chart. 135.

... Hodgson, Northumberland,

... Part 2, vol. 2, 480.

... Cartae Glamorganniae, II, 55.

... A. Acts Parl. Scotland, I, 33.

... B. Percy Chartulary, 334.

... Rot. Chart. 86.

... Do. 86-87.

... Do. 190.

... Do. 219.

... Eyton, Shropshire, IX, 130.

... Raine, North Durham, p. 257.

... Records of Northampton, I, 25.

... Do. 31.

... Records of Norwich, I, 11.

... Foedera, I, 49.

... Records of Norwich, I, 12.

... Rot. Chart. 20.

... Records of Nottingham, 2.

... Do. 6.

... Do. 10.

... Fraser, Contested Elections,

... I, 82.

... Eyton, Shropshire, X, 324.

... Royal Letters to Oxford, 4.

... Do. 5.

... Cal. Charter Rolls, II, 34.

¹ See *Domesday Boroughs*, p. 10.

Pembroke	... 1154-89	Henry II	... Cal. Patent Rolls, 1377-81, p. 106.
	1201	John	... Rot. Chart. 95.
Petersfield	... 1183-97	Hawisia, Countess of Gloucester	Victoria County Hist.: Hants. III, 113. Acheson, Case of Petersfield (facsimile).
	1198	John, Count of Mortain	Ib.
PEVENSEY	... 1207	John	... Cal. Charter Rolls, III, 220.
Pontefract	... 1194 (2)	Roger de Lacy	... Hist. MSS. Comm. Rep. 8, 269.
Portsmouth	... 1194	Richard I	... Foedera, I, 63.
	1201	John	... Rot. Chart. 77.
Preston	... 1179	Henry II	... Farrer, Lanc. Pipe Rolls, 413.
	1188-99	John, Count of Mortain	Placita quo Warranto, 385.
	1199	King John	... Rot. Chart. 26.
Richmond	... 1137-45 (2)	Count Alan of Brittany	Gale, Registrum Honoris de Richmond, App. 100.
	1145-75	Count Conan	... Do. 101.
ROMNEY	... 1154-89 (R)	Henry II	... Rot. Chart. 154.
	1205	John	... Ib.
Rye ¹	... 1140-89	Henry, Abbot of Fécamp	Fécamp Chartulary in Public Library at Rouen, 34.
	1189-1219	Abbot Ralph	... Do. 34, v.
Rye & Winchelsea	1191	Richard I	... Foedera, I, 53.
	1205	John	... Rot. Chart. 153.
SALISBURY ²	... 1100-35	Henry I	... Gild Merchant, II, 209.
	1154-89	Henry II	... Ib.
	1200	John	... Ib.; and Rot. Chart. 54.
SANDWICH	... 1070-86	Bishop Odo	... Photo. in Bodleian Library: MS. Top. Kent D. 1, 44.
	1070-86	William I	... Cal. Patent Rolls, 1429-36, 416.
	1155-8	Henry II	... Cal. Charter Rolls, III, 221.
	1155-72	Do.	... Photo. as above, 45.
	1205	John	... Rot. Chart. 153.
Scarborough	... 1155	Henry II	... Cal. Charter Rolls, I, 417.
	1200	John	... Rot. Chart. 40.
	1201	Do.	... Do. 85.
	1201	Do.	... Do. 103.
SHREWSBURY	1154-89 (R)	Henry II	... Do. 46.
	1189	Richard I	... Owen & Blakeway, Shrewsbury, I, 82.
	1200 (2)	John	... Rot. Chart. 46.
	1205	Do.	... Do. 142.
SOUTH-AMPTON	1154-66	Henry II	... Charters of Southampton, 10.
	1189	Richard I	... Do. 12.
	1199 (2)	John	... Do. 2, 12.
STAFFORD	... 1206	Do.	... Cal. Charter Rolls, I, 71.
Stratford-on-Avon	c. 1195	Bishop John Constantiis	de Dugdale, Warwickshire, 514.
Swansea	... 1153-84	William, Earl of Warwick	Cartae Glamorganniae, III, 95.
	1215	John	... Rot. Chart. 206.
TAUNTON	... 1135-9	Stephen	... Cal. Charter Rolls, III, 354.
TEWKESBURY	1147-83	William & Robert, Earls of Glo'ster	Pat. Roll, 4 Hen. IV, pt. 1, m. 3.

¹ See *Domesday Boroughs*, 9 n.² See *Id.* 10.

TOTNES	...	1199-1216	John	...	Confirmation Roll, 1 Hen. VIII.
Truro	...	1166	Reginald, Earl of Cornwall	...	Cal. Charter Rolls, II, 304.
		1174-86	Henry II	...	Do. 305.
WALLING-FORD		1156	Do.	...	Cal. Charter Rolls, II, 68: Hedges, Wallingford, I, 270.
Walsall	...	After 1198	William Rufus	...	From original in Borough Archives.
Wells	...	1174-80	Bp. Reginald	...	Early Hist. of Church of Wells, 362.
	c.	1201	Bp. Savaric	...	Do. 386.
		1201	John	...	Do. 390.
Wearmouth	...	1180-6	Bp. Hugh de Puiset	...	Boldon Book, App. xli.
Whitby	...	1175-85	Abbot Richard	...	Whitby Chart. I, 211.
		1199	John	...	Do. II, 421: Rot. Chart. 14.
		1201	Do.	...	Rot. Chart. 84.
WILTON	...	1129-35	Henry I	...	Journ. Brit. Arch. Ass. XVII, 311.
		1154-8	Henry II	...	Ib.
		1204	John	...	Ib.
WINCHESTER		1155-8 (2)	Henry II	...	Sel. Charters, 165: Archaeologia, XLIX, 214.
		1190	Richard I	...	Foedera, I, 50.
		1203	John	...	Do. 88.
		1215	Do.	...	Rot. Chart. 217.
WORCESTER		1189	Richard I	...	From original in City Archives.
YARMOUTH	...	1208	John	...	Rot. Chart. 175.
		1215	Do.	...	Rot. Lit. Pat. 146.
YORK	...	1154-8	Henry II	...	Connoisseur, May 1909, photo.
		1189-99	Richard I	...	Cal. Charter Rolls, I, 379.
		1200	John	...	Rot. Chart. 40.
		1212	Do.	...	Do. 187.

SCOTLAND

Leges Quattuor Burgorum			David &c.	...	Acts Parl. Scot. I, 33.
Aberdeen	...	1171-84	William the Lion	...	Do. 87.
		1214	Alexander II	...	Do. 87.
Arbroath	...	1187-99	William the Lion	...	Registrum de Aberbrothoc, p. 14.
		1211-4	Do.	...	Do. p. 3.
Ayr	...	1202-7	Do.	...	Charters of Ayr, I.
Dundee	...	1199	John	...	Rot. Chart. 28.
Edinburgh					
(Canongate)		1143-7	David	...	Early Scottish Charters, 118.
Glasgow	...	1175-7	William	...	Registrum Episcopatus Glasgonensis, I, 36.
Inverness	...	1165-1214	Do.	...	Acts Parl. Scot. I, 88.
		1171-97	Do.	...	Do. 88.
		1189-92	Do.	...	Do. 89.
		1199-1214	Do.	...	Do. 89.
Perth	...	1165-1214	Do.	...	Do. 86.
Rutherglen	...	1165-1214	Do.	...	Do. 86.
St Andrews	...	1140-53	Bp. Robert	...	Do. 85.

IRELAND

<i>Cork</i>	...	Before 1189	John, Lord of Ireland	Brit. Mus. MSS. Harl. 741, fo. 9b. Trans. in Cusack, Cork, p. 158.
<i>Drogheda</i> (Meath)	1194		Walter de Lacy	15 Eng. Hist. Rev. 311.
<i>Drogheda</i> (Louth)	1213		John ...	Rot. Chart. 194.
<i>Dublin</i>	...	1164-76	Henry II ...	Hist. & Mun. Documents, Ireland, 2.
		1192	John, Count of Mortain	Do. 51.
		1200	King John ...	Do. 57.
		1215	Do. ...	Do. 63.
<i>Duleek</i>	...	1194-1241	Walter de Lacy...	B. M. MS. Eg. 76, fo. 58.
<i>Dungarvan</i>	...	1215	King John ...	Rot. Chart. 211.
<i>Gowran</i>	...	1203-6	Theobald Walter	Carte, Duke of Ormond, 1851, I, xliii.
<i>Inistioge</i>	...	After 1206	Prior Alured ...	Gale, Corporate System of Ireland, App. xi.
<i>Kells</i> (Meath)	...	1194-1241	Walter de Lacy...	Chartae Hiberniae, 10.
<i>Kells</i> (Kilkenny)	...	After 1210	William fitz Geoffrey	Do. 16.
<i>Kilkenny</i>	...	1202-10	William Marshal, Earl of Pembroke	Do. 33.
<i>Limerick</i>	...	1197	John, Count of Mortain ...	Add MS. 31885, fo. 198.
		1215	King John ...	Rot. Chart. 211.
<i>Rathmore</i>	...	1195-1247	Maurice fitz Gerald	15 Eng. Hist. Rev. 313.
<i>Swords</i>	...	1182-1213	John, Bishop of Dublin	Chartae Hiberniae, 9.
<i>Trim</i>	...	1194-1241	Walter de Lacy...	Do. 10 ¹ .

5. Critical Notes

Bideford. On p. 32 of the *History of the Granville Family*, by Rev. Roger Granville, late Rector of Bideford, it is suggested that this charter was granted by Richard of Grenville, fourth of that name, whose father died in 1204, and who himself died in 1217. I have been unable to ascertain if the Latin text of this charter is still in existence.

Carlow. The charter in *Chartae Hiberniae*, 37, is attested by six of the persons who attested the Kilkenny charter of 1223, granted by William Marshal II, and I have therefore dated it 1219-31.

Cashel was erected into a borough about 1216 by Archbishop Donat who gave burgage tenements to the burgesses and is said to have conferred on them the same privileges as were enjoyed by the burgesses of Bristol, reserving a rent of 12*d.* out of each burgage (Lewis, *Topographical Dict., Ireland* I 275). But Dr Laffan of Cashel tells me that this charter is no longer in existence.

¹ Some additional Charters will be found in the Appendix.

Chester. The three charters granted by Earl Ralph Blundeville 1181—1232 are undated in the Report of the Hist. MSS. Commission: but numbers 1 and 2 were attested by Roger the Constable, *i.e.* Roger de Lacy, 1190—1212 (*D.N.B.*), and the third by "H. Abbate" *i.e.* Hugh de Grylls 1208—26 (*Monasticon* II 146).

Chesterfield. On p. xviii of vol. III, sec. 3, of the *Feudal History of Derbyshire*, Mr Pym-Yeatman speaks of a charter of Henry II on p. 27 of the *Registrum Antiquissimum* at Lincoln, in which that king granted that Chesterfield should have and hold all her liberties etc. as she had them in the days of King Henry his grandfather, and as it was found by the lawful men of the hallmote and the wapentake. But Rev. H. E. Salter has examined this register for me and tells me that this charter is, as I expected, to the Church and not to the Borough of Chesterfield: such an early personification of a borough would have been unique.

Corbridge. The charter of John fitz Robert in the Percy Chartulary (p. 283) is undated, but on 12 August 1212 King John confirmed to him his father's possessions (*Id.* 278), and he was still living in 1225, when he was party to a fine (*Id.* 289).

Dunstable. This is only a recital, and is therefore consigned to the footnotes.

Eye. In 1558 the men of Eye (Suffolk) obtained from Queen Elizabeth a confirmation, addressed to them, of John's charter to Hythe with its clause relating to pleadings at Shepway: they evidently persuaded her that Heia was the ancient name of their borough; see Hist. MSS. Commission, Rep. 10, App. 4, p. 519.

Fethard (co. Tipperary). In vol. XVI of the *Journal of the Royal Society of Antiquaries of Ireland* (p. 143), Dr Laffan of Cashel prints an interesting paper on this borough, and says that about 1215, Archbishop O'Brien gave 2½ carucates to the burgesses in free burgage, at an annual rent of twelve marks. "This grant was confirmed by letters patent from King John, and the town was created an archiepiscopal borough like that of Cashel." But he informs me that neither document is now in existence nor are copies to be found.

Fordwich. A Fordwich custumal of the fifteenth century contains a copy of a charter which it states was granted by Henry II; (Woodruff, *Hist. of Fordwich*, App.); but that this date is wrong is shown by its use of the first person plural for the Royal style, and by the addition of Dux Hiberniae to the Royal title. And Mr Woodruff agrees with me in attributing it to Henry III.

Haverfordwest. In *Archaeologia Cambrensis*, series IV, vol. 10, App. 38, is printed a charter dated 4 June 5 Edw. III inspecting and confirming

- (1) Charter of Edward I dated 1 Nov. 19 Edw. I.
- (2) Undated charter of William Marshal, Earl of Pembroke.
- (3) Letters patent of William Marshal, Earl of Pembroke, dated September 3 Hen. III.
- (4) Undated letters patent of same Earl.
- (5) Undated charter of same Earl.
- (6) Letters patent of Gilbert Marshal, Earl of Pembroke, undated.

No. 3 is dated Sept. 1219, and must be the grant of William Marshal II: it confirms a charter of his father and I have taken No. 2 to be the charter thus confirmed, and have dated it between 1189, the year of his marriage to Isabella, heiress of Richard de Clare, Earl of Pembroke and Striguil, and 1219, the year of his death. Nos. 4 and 5 are also the grants of William Marshal II and can be dated 1219—31: Gilbert succeeded as Earl in 1234 and died in 1241 (*D.N.B.*).

Kilkenny. On pp. 33 and 34 of the *Chartae Hiberniae* are two charters to Kilkenny, the first of which was granted by William Marshal and Isabella his wife, and was attested by Hugh, Bishop of Ossory, and Geoffrey fitz Robert; the date must therefore lie between 1202 and 1210 (*Borough Customs* I xxxv). The other charter is dated 5 April: the year is not recorded in the *Chartae Hiberniae*, but the Calendar of Patent Rolls (Ireland), I, 437 n., states it to be of 7 Hen. III, 1223: it must therefore be the grant of William Marshal II.

Leek. Possibly the Leek charter is earlier than that of Frodsham; both were granted by Earl Randle Blundeville and attested by Philip de Orreby, Justiciar of Chester (1209—28): but among the witnesses to the Leek charter is Liulf the sheriff, who is said by Leycester (Ormerod, *Cheshire* I 70) to have filled that office in the reign of John; the Frodsham charter is attested by Richard de Pierrepont, also sheriff, who is said to have lived in the reign of Henry III; but Leycester gives no authorities for these dates. The manor of Leek was given to Dieulacres Abbey by the Earl who died in 1232, and his grant is attested by Alexander, Bishop of Coventry and Lichfield 1224—38 (*Monasticon* v 628); so that this gift can be dated 1224—32. Richard, the first Abbot, gave a charter to the burgesses of Leek, which was a copy of that given by Earl Ralph, with omissions: and this charter must be dated after 1224.

London. In spite of the arguments of Dr Round (*Geoffrey de*

Mandeville, 370) and the example of Dr Liebermann (*Gesetze der Angelsachsen*, 525), the reading "wardimotum" is retained in the text of the charter of 1131 (p. 82)¹: Dr Liebermann gives the authorities for this reading and also for the reading "vadimonia": for the latter, his authorities are the *Liber Horn* and the *Liber Custumarum*, both of the reign of Edward II, the *Liber Albus* (p. 129), compiled in 1419, and the Patent Roll of Edward IV. "Wardemota" is given on another page of the *Liber Custumarum*, a fact which shows that the compiler of that book was uncertain of the correct reading: "wardemoth" is the reading in *Vespasian D. XII*, and "wardimotum" in the *Rylands MS. fo. 77 v.*, which was unknown to Dr Liebermann when he published his book, and dates from about 1175. So that while the earliest authority in favour of "vadimonia" is of the fourteenth century, the reading "wardimotum" appears in a copy of the charter made within half a century of its grant. That "vadimonia" gives better sense than "wardimotum" may be admitted, but in matters of textual criticism, Bengel, centuries ago, laid down the canon, "proclivi lectioni praestat ardua," "a difficult is preferable to an easy reading." This canon "depends on the tendency of transcribers to alter (in perfect good faith, and fancying that they were doing a good work) something they did not understand into something which they did" (Hammond, *Textual Criticism applied to the New Testament*, 96). And if this canon is to be followed, the difficult reading "wardimotum" must be adopted. But we may go further, and admit that the draftsman of the charter wrote "vadimonia" in his draft: but no practising solicitor, who has had any experience of the grotesque mistakes that are occasionally made by even the most experienced copying clerks, will doubt that the "vadimonia" of the draftsman was transformed into the "wardimotum" of the engrossment, and that the mistake was not discovered till after the document had been sealed.

Lymington, Hants. Baldwin de Redvers (1244—69) granted a charter to this borough confirming the grant of William de Redvers, Earl of Devon, who died in 1216, but not reciting the latter (King, *Old Times Revisited*, 2nd edition, p. 220).

Macclesfield. In 18 Edw. I in a plea before the Justiciar of Chester at Macclesfield, "the jurors come and say that when Earl Ralph first founded the borough of Macclesfield, he established that borough of 120 burgages": but they do not specify the rent of the burgages nor do they allude to any charter (MS. Harl. 2072, fo. 12).

¹ The "wardimota" of the text ought to have been "wardimotum."

Malmesbury. The so-called charter of Athelstan to the burgesses of Malmesbury is an obvious forgery (see *Domesday Boroughs*, 114).

Moone. This charter (*Calendar Justiciary Rolls, Ireland*, 369) was, like the Carlow charter, witnessed by six of the persons who witnessed the Kilkenny charter of William Marshal II, and must therefore be dated 1219—31.

Newcastle-on-Tyne. There are two versions of this custumal, one of which is printed in Stubbs' *Select Charters* from the *Acts of Parliament of Scotland* I p. 33: this we have styled the A text. The other, which we have called the B text, is printed in Brand's *History of Newcastle* (II 133) from the *Percy Chartulary*, where it is found in the recently printed edition of the Surtees Society at pp. 334—6. The editors of the *Acts of Parliament of Scotland* say that they obtained the original of the A text from an original memorandum at the Tower "in a hand as old as Henry II"; but, on inquiry at the Public Record Office, I am informed that this memorandum is not to be found. The B text is copied almost verbatim by Hugh de Puiset, Bishop of Durham, in his charter to the burgesses of Wearmouth, which from the appearance of the names of Prior German and Philip the Sheriff among the witnesses can be dated 1180—6. But two clauses of the Wearmouth charter are copied from the A text: so that both versions were known before the end of the twelfth century. The A text is reproduced almost verbally in some of the clauses of the *Leges Quattuor Burgorum* which are traditionally said to date from the time of David I (1124—53), and such *Leges* are included in this collection.

Newcastle-under-Lyme. On p. 414 of the Lancashire Pipe Rolls (Cheetham Society), Mr Farrer prints a charter to this borough from a copy in the Preston archives "given under the common seal of the Burrough of Newcastle the 13th day of May anno domini 1635" of which the original is now lost. This charter was granted by a King Henry and "Data per manum venerabilis patris R. Cycestrensis Episcopi cancellarii nostri apud ffecham xvij die Septembris anno regni nostri decimo nono," and as he considers the grantor to be Henry II, he dates the charter 1173. But although the original is lost, Dr Gross prints (*Gild Merchant* II 177—9) a plea roll of 8 Edw. I (1280) in which is pleaded a charter of Henry III to Newcastle granted "apud ffeckeham octavo decimo die Septembris anno nono (*i.e.* 1226)," and on examination it is found that the charter quoted in the plea roll is the same as that printed in the Lancashire Pipe Rolls, with four exceptions: (1) The plea roll speaks of Novum

Castrum where the other version speaks of Novum Castellum. (2) The plea roll omits "ulnagium" from the list of tolls, and adds, "salvis in omnibus libertatibus civitatis nostrae Londoniae." (3) The plea roll prints only the first two words of the Volumus clause, which occupies ten lines of print in the other copy. (4) The plea roll omits the reference to the Chancellor. But the reference to the Chancellor in Mr Farrer's copy proves that both his copy and that of the plea roll were derived from the same original: for Ralph Neville, Bishop of Chichester, was Chancellor from 1226 to 1244, and there was no Bishop of Chichester of the name of Ralph during the twelfth century. This charter is therefore omitted from our collection.

Old Leighlin. Bishop Herlwin (1201—16) granted the inhabitants their burgages with all the franchises enjoyed by the burgesses of Bristol at a yearly rent of 12*d.* each (Lewis, *Topographical Dictionary of Ireland* II 211): but no copy of this charter can be found. Miss Bateson suggests that Bristol is a mistake for Breteuil.

Rye. Holloway, *History of Rye*, 274, prints a charter for building the walls of Rye, which he attributes to 1194, 5 Rich. I: but as the style of the grantor is "Richard by the grace of God, King of England and France and Lord of Ireland," its correct date must be 5 Rich. II, 1382.

Totnes. In the first year of his reign, Henry VIII granted a charter to the burgesses of this town in which (*inter alia*) he confirmed a grant of John: but this grant professes to be in the form of letters patent given at Westminster on 10 May in the 7th year of his reign. The Patent Rolls for this year are in print, and do not contain this document, and, moreover, John was not at Westminster on 10 May 1206, but in Hampshire and in the neighbourhood of Winchester. The document in its present form must therefore be considered to be spurious, but need not on that account be finally rejected. It consists of five clauses, of which the first four are almost verbatim the same as in John's charter to Helston (1201); the fifth clause is a non-intromittat clause, very similar to that in the Hereford charter of 1215 (p. 121). But among the privileges conferred on Helston in 1201 was the right to have a merchant guild, and it is well known that the rolls of the merchant guild of Totnes from 1260 onwards are still in existence, while there is a document of 1236 relating to the guild (*Gild Merchant* II 235—44). The document would appear to be based on a genuine grant, although its present form is spurious, and it is therefore transferred to the footnotes.

Walsall. This charter was granted by William Ruffus who is returned in the Pipe Roll for 1198 as accounting for 100*s.* for taking

possession of his land at Walsall, a sum which he paid in the following year (*Publications of Salt Society* II pp. 76, 81)¹.

6. *The Dates of some Charters of Henry II*

I have adopted the dates assigned to the charters of Henry II by the editors of the sources from whence my copies have been made, except in the following cases, where they are either undated or I have reason for differing from the editor.

Appleby. This charter is dated 1181 in Burns, *Westmoreland* I 310, but 1179 in II *Proceedings of the Cumberland and Westmoreland Antiquarian and Archaeological Society*, 297.

Barnstaple. Attested by Thomas the Chancellor, 1154—62, but Henry went abroad in August 1158 for four years so that, as it is dated in England, it must have been granted before that month.

Beverley. 1182. Attested by William, Earl of Albemarle.

Burford. One charter is witnessed by Warin fitz Girold, the chamberlain, 1155—8. Another, witnessed by the same man, was granted "apud Chinonem in exercitu," 1156.

Canterbury. Witnessed by Warin fitz Girold, 1155—8.

Exeter. See Barnstaple.

Fordwich. Attested by Reginald, Earl of Cornwall, 1154—75.

Gloucester. 1155—8. See Canterbury.

1155—66. Attested by Manasseh Biset.

1163—74. Attested by Geoffrey Ridel, Archdeacon of Canterbury.

Guildford. See Barnstaple.

Hastings. See Barnstaple.

Hereford. See Barnstaple.

Lincoln. 1155—8. See Canterbury.

1154—63. Both attested by Henry of Essex, the Constable.

1155—75. Attested by William fitz John.

1181. Attested by Richard de Lacy.

Lydd. See Barnstaple.

Maldon. Witnessed by Reginald, Earl of Cornwall, 1154—75: Robert fitz Bernard, 1166—86.

Sandwich. Witnessed by Theobald, Archbishop of Canterbury, who died in 1161: but as it is dated in England, it must have been granted before August 1158: see Barnstaple.

¹ See Addenda for Additional Critical Notes.

Southampton. Witnessed by Jocelin de Balliol, 1155—66.

Truro. Earl Reginald's charter is witnessed by Robert de Dunstanville 1155—66, and Alured de St Martin 1166—88, and must therefore be dated 1166. The King's charter is witnessed by R. Bishop of Winchester 1174—88, and Robert fitz Bernard, 1166—86, and can therefore be dated 1174—86.

Wilton. See Barnstaple.

Winchester. See Canterbury.

York. See Barnstaple.

II. NOTES ON THE CODE

I. *The Formation of the Borough*

Our code naturally begins with a collection of those clauses which had the effect of establishing new boroughs and ratifying the customs of the older boroughs: our examples of Royal licenses authorising the formation of boroughs by their subjects come from Scotland, but the Archbishop of York, the Abbot of Burton, and Roger de Merlai alleged that they had received the Royal license to establish boroughs at Beverley, Burton-on-Trent and Morpeth respectively. It is from Scotland also that there come two out of our three examples of the definite establishment of boroughs by charter, and the English example is from the charter of a bishop: for the grant of the "liber burgus" was not necessarily a creation. Of our nine examples of this grant, four—Dunwich, Yarmouth, Stafford and Totnes—were styled boroughs in Domesday Book, Wells was a mesne borough whose first charter had been granted before 1180, and only four—Bridgewater, Helston, Lynn and Chesterfield—appear to have been created boroughs by the charters in question, as they had received no earlier charters.

The meaning of the "liber burgus" is much disputed: Professor Tait says "that the institution of a free borough meant no more than the substitution of free burgage tenure for the villein services and merchet of the rural manor¹," a definition which finds support by the Burton charter in which the Abbot, after reciting the King's license to found a borough, proceeds to order that all who held houses within a certain area, should hold by burgage tenure (p. 42): but at the same time the Abbot conferred on them other privileges. On the other hand, Dr Gross thinks that the grant of the "liber burgus" is the grant of a mass of undefined franchises, and quotes the answer of

¹ *Medieval Manchester*, 62.

the Mayor and Burgesses of Macclesfield in a quo warranto proceeding of 1350 "That by the words 'that the town of Macclesfield be a free borough,' they claim that the said town is a free borough and has all the liberties and customs which a free borough rightfully ought to have¹," and, it will be remembered, that the burgesses of Ipswich proceeded to elect twelve capital portmen, as there were in the other free boroughs of England, immediately on the receipt of their charter, although there was no direct permission in their charter for their so doing². Among this mass of privileges burgage tenure would be one; and the Norham charter states that the custom of settling disputes out of court was another of these privileges³.

If then, there are only these few examples of the creation of boroughs by charter, we are driven to conclude that during this period many boroughs were created by word of mouth, and that the existence of a charter in which a certain vill or part of it was styled a borough, or its inhabitants were styled burgesses, is evidence that that vill had been raised to the rank of a borough, and that its inhabitants possessed those privileges which distinguished burgesses from villagers. Many boroughs, not mentioned in Domesday, had not even a tradition of a foundation charter.

Most boroughs received, at one time or other, charters conferring on their burgesses certain liberties and free customs, sometimes specified, but, as frequently, unspecified; many of these charters refer to these customs as having existed at some earlier date, but others have no such reference, and it seems natural to speak of the former as being charters of ratification, while the latter were constitutional charters. Another classification would be to extract all those clauses which conferred on the burgesses of one town the customs of the burgesses of another, and place them in one class and leave all the other clauses to form another class. But examination shows that whichever classification be adopted the classes must be further divided; for we can compile a list of some 90 boroughs which are mentioned in Domesday Book⁴ and shall find that all these classes contain both some of these Domesday boroughs, and others not there mentioned. It is therefore possible to combine all three systems of classification and divide these clauses into five groups:

- (a) Ratification of existing customs of Domesday boroughs.
- (b) Grant of customs of other towns to Domesday boroughs.

¹ *Gild Merchant* II 171.

² *Id.* II 117.

³ p. 112.

⁴ *Domesday Boroughs*, pp. 9, 10.

(c) Ratification of existing customs of boroughs not mentioned in Domesday Book.

(d) Grant of specific customs to new boroughs¹.

(e) Grant of customs of other boroughs to new boroughs^{1 2}.

With regard to class (a) it will be noticed that most of the charters refer to the customs existing in the reign of Henry I, and that only one, the Chichester charter of March 1155, speaks of an earlier date, the time of Roger Montgomery who died in 1094. Class (b) requires no further consideration, but of the nine charters quoted in our third group, eight are seignorial boroughs, and the customs of Bury St Edmunds are said in one charter to date from the time of Canute, and in another from the days of Edward the Confessor: Bury is not included in our first group, because Domesday Book does not call it a borough, nor are its inhabitants styled burgesses; it is well to notice that Henry II ratified to the burgesses of Pembroke not only the specified customs which they enjoyed in the reign of his grandfather, but also those unspecified customs which they retained in their memory. All the charters in class (d) are very long and are evidently constitutional charters, but the usual method of giving a constitution to a new borough was by conferring on it the customs of some older borough; thus Hugh de Puiset, Bishop of Durham, constituted the four boroughs of Durham, Gateshead, Norham and Wearmouth by conferring on their burgesses the customs of Newcastle-on-Tyne, and a few years later, Drogheda, Rathmore, Kells and Trim received the laws of Breteuil. It is worth notice that the Oxford charter alone provides a method by which the burgesses of an affiliated borough, that is, a borough which has received the customs of another, could ascertain the customs of their mother-borough, although this clause has been copied in the Bedford and Lynn charters. But from other sources we learn that there was occasional intercourse between daughter and mother towns for the ascertainment of customs³.

We have spoken of charters being conferred and ratified, where under ordinary circumstances we should have used the words "granted and confirmed"; but the latter words have been intentionally neglected, because they are the translation of two of the Latin words used in our texts. Three words were constantly used by the

¹ These titles should be substituted for those in the text, 1 7 and 1 8.

² But derived charters will appear in the group to which their original belonged.

³ For affiliation of towns, see Gross, *Gild Merchant* 1 240—81.

draftsmen of these charters, *do, concedo, confirmo*, "give, grant, confirm": and today a conveyancer will use "confirm" in deeds of ratification. But in our charters "confirm" is almost invariably preceded by the three words "*hac presenti carta*," "by this present charter¹," so that "confirm" is not a word of ratification of pre-existing customs, but implies that greater solemnity is given to the transaction because its evidence is embodied in a charter. I have found it impossible to ascertain that the use of any particular word indicates whether a charter is one of creation or of ratification.

The next title in our code reminds us that the kings had been so lavish of their gifts that, in many cases, they had interfered with vested interests; and therefore John found it necessary to insert in some of his charters, clauses safeguarding the rights of the city of London, clauses which are especially found in the grants of freedom from tolls; at Lynn he inserted a clause safeguarding the rights of the Bishop of Norwich and the Earl of Arundel, the lords of the borough: and in his charter to William Briwerr creating the borough of Chesterfield, he inserted a clause providing that the boroughs of Nottingham and Derby should not lose their rights by that gift.

The solitary charter revoking a former grant of liberties is interesting from the light it throws upon King John's methods of justice; Richard, Abbot of Whitby, had granted a charter to the burgesses of Whitby granting certain privileges to them, and this charter was confirmed by John soon after his accession to the throne; but on the preferment of Abbot Peter, he offered the King 100 marks for the revocation of that charter; the poor burgesses could offer only 80 marks, and the King was influenced by the heavier purse, and revoked the charter on the grounds that it was contrary to the rights of the Church². Probably, in spite of the bribery, the decision was right; the holder of an ecclesiastical office is only a limited owner, and even today a rector cannot grant a lease of his glebe without the consent of his bishop and patron: and a charter which exempted men from any feudal dues would be an infringement of the right of the grantor's successors. But to guard against any application of this kind, the burgesses of Durham and Beverley obtained Papal charters confirming the charters that they had received from the Bishop of Durham and the Archbishop of York respectively.

¹ The sequence of these four words is so constant that the first three are often omitted in our transcripts.

² *Whitby Chartulary* I 211 n.

II A. *Burgage Tenure and the Law of Real Property*

In this sub-section we have included those clauses from the charters dealing with the privileges which belonged to the burgess as the owner of a house within the borough; they are thus distinguished from those that we propose to call "Tenorial Privileges," which are the privileges accruing to the burgess as a member of a privileged community.

The distinguishing characteristics of burgage tenure were that the payment of a money rent was in satisfaction of all demands and services, as is expressed in the Walsall charter; and that the tenant in burgage had full power of sale and devise¹; and so highly was burgage tenure esteemed, and so intimately was it connected with the existence of the borough, that the grant that all the inhabitants of a vill should thenceforth hold their houses by free burgage appears to have had the effect of raising that vill to the rank of a borough. We have already quoted the Burton charter reciting the King's license to the Abbot to create a borough at Burton; the Abbot exercises that license by decreeing that all who had received burgages in a certain street should hold them freely and quietly at the rent of 12*d.* per annum. There is no other charter which is exactly similar to this, but in the charters to the burgesses of Bradninch, Hedon, Maldon, Walsall and Whitby in England, and to those of Drogheda and Rathmore in Ireland, the grant of burgage tenure occupies the first place, and at Hedon, is coupled with the grant that the burgesses should hold their burgages in the same manner as the burgesses of York and Lincoln held their burgages.

This money rent was usually a small sum: at Bury St Edmunds the burgesses paid a halfpenny for each masure at Whitsuntide, and another at Michaelmas; the singular sum of five pence was reserved at Whitby; at Scarborough, the rent varied according to the frontage: if the gable of the house faced the street, the rent was four pence, but if the side of the house faced the street, the rent was six pence; at Lostwithiel and Bradninch the rents were six pence: and in 17 English boroughs, two Welsh, four Irish and one Scottish, the rent was 12*d.*: of these 17 English boroughs, only two, Okehampton and Tewkesbury, contained burgesses at the time of Domesday Book. At Eynsham the rent of a house and an acre of land was 4*s.* Some charters contained

¹ See Mr Hemmeon's articles in 26 and 27 *Law Quarterly Review*.

express provisions that the burgesses might improve their buildings: possibly without these provisions a license might have been required as is the case in certain building leases of the present day: at Egremont a penalty was inflicted on the burgess who had not built his burgage within a year from the grant of its site. The sites of Burton-on-Trent and Stratford-on-Avon appear to have been set out as building estates, for the charters prescribe the length and breadth of the burgage tenements: and at Kells the burgesses were permitted to cut up their frontages into twenty-foot lengths, on which they could erect houses whose tenants would share in the liberties of the borough. In many places the burgage tenement consisted of a house in the town and some land in the fields: at Bideford some burgesses held six acres in the fields, others, only an orchard; Roger de Lacy divided some nine score acres among certain specified burgesses of Pontefract at the rent of 4*d.* an acre: at Frodsham, each burgess had an acre, and at Rathmore, each of 85 burgesses had seven acres of land, while 11 others had only half an acre each: at Kells each burgess had three acres, and at Ayr he was allowed to assart six acres from certain land which the King had given to the borough.

In addition to the lands annexed in severalty to the burgages, certain rights were appendant to the burgages of many towns, the right of cutting timber, the right of common pasture, and the right of fishing. Usually the right of cutting timber was limited to such as was required for repairs to the houses and for firing; and frequently only dead wood was allowed for firing: the burgesses of Swansea were allowed to cut timber for boat-building on payment of 12*d.* for each boat, and also to cut timber for sale: on the other hand the burgesses of Gateshead were forbidden to sell firewood, but were allowed to give it away. The clauses relating to the common pasture require no notice except that both at Swansea and Lancaster, the burgesses were allowed to find pasture for their cattle where they would, so long as the herds returned home at night; pannage for pigs was reserved in many charters and occasionally a payment for the pasturage of cattle. The reservation to the lord of the porpoises and sturgeons caught in the fisheries of the burgesses of Swansea reminds us of the "putchers" on the Wye illustrated in Mr Seebohm's *English Village Community*, and of the stake nets in use on the coasts of Essex and Sussex¹.

So far we have been dealing with the burgage tenement and its

¹ *Dom. Inq.* 176.

appurtenances: in the eyes of the law, property held on burgage tenure was distinguished by its mobility: the burgess was at liberty to sell his land and go whither he would: but at Cardiff and Tewkesbury this privilege was confined to property which the burgess had himself acquired and did not extend to that which he had inherited; sales to religious houses were forbidden in several boroughs, and at Whitby and Walsall the lord had a right of pre-emption: in the latter borough he was entitled to purchase a house at 12*d.* less than any other bidder, and a similar provision is found in one of the conveyances of the Priory of the Holy Trinity without Algate¹. A right of pre-emption was allowed to the vendor's kin at Cardiff, Tewkesbury and Bury, but not at Wearmouth: if a person entitled to this right of pre-emption forbore from exercising it, and the purchaser was in possession for a year and a day without challenge, the claim of the kin and the lord was barred, except in cases when the claimant was an infant or out of the kingdom; but at Pontefract and Leeds, where sales were effected by surrender to the lord, seisin of the burgage must first have been given by the proper officer. At Leicester, sales were effected in the Portmannemot, and at Tewkesbury the purchaser was required to produce his conveyance in the borough court: fines on sales were payable in a few boroughs.

Closely connected with the liberty of a burgess to sell his burgage was his liberty to leave it by his will, and at Burford, Chester, Tewkesbury, Lostwithiel and Dunwich this liberty was conferred by charter: some charters guaranteed the succession of the heir, and at Cardiff it was provided that the heir should enter on his succession immediately on the death of his ancestor, without making the death known to the bailiff or reeve. Reliefs of 12*d.* were payable at Pembroke, Lostwithiel, Haverfordwest and Kells, but no relief or heriot was payable at Tewkesbury and there are several other charters exempting the burgesses from payment of heriot. There are a number of charters enabling the burgesses to give their women-folk in marriage to whomsoever they would, without any license from any person, and others where the wardship of infant heirs was entrusted to their kinsmen: at Pembroke, the burgess was even empowered to appoint by his will a guardian for his heir.

It will probably not have escaped notice that the greater number of clauses contained in this section are extracted from charters relating to boroughs not mentioned as such in Domesday Book: when

¹ MSS. Guildhall Lib. 122, IV, 77; page civ *post*.

a new borough was created, it was necessary to lay down a code of law for its government, and hence we find that these charters contain provisions as to burgage tenure, which were matters of tradition in the older boroughs, and therefore could be omitted from their charters without any risk that they would be lost by such omission.

II B. *Tenurial Privileges*

Under this heading we propose to collect a number of privileges attaching to the burgesses of the various boroughs merely because they were members of privileged communities and not because they were owners or occupiers of burgage tenements. Such privileges, when they related to the borough court or to the markets and trade of the town, will be considered later, but a few remain for discussion which cannot be included in either of these classes nor among those clauses which relate to burgage tenure. Whether the first two titles, those relating to the peace of the King and of the lord, should be here included is matter of doubt, but it is hard to see where else they should be placed; and it is worthy of note that, with one exception, all the grants of the King's peace cease about 1190, a fact which shows that the older doctrines relating to the peace of the King and of certain magnates, which are elaborated in certain pages of Domesday Book¹, were becoming out of date about the end of the twelfth century. The clauses by which the King promised that the burgesses of certain towns should justly have their lands and mortgages and debts, by whomsoever the latter were owed, must be inserted in this place, but their practical bearing is not obvious.

The hunting privileges of the citizens of London and Canterbury were preserved to them, and the burgesses of Swansea and Colchester received permission to hunt: closely akin to this permission were the clauses exempting certain burgesses from the operation of the forest laws; but the clauses permitting them to take wood from the forests are considered in another place as being among the appurtenances of the burgage tenement. These are followed by clauses forbidding certain exactions on the part of the borough officials, of which exactions the most typical was the *scotale*, a drinking party to which the officer invited the burgesses and where he levied contributions². Other exactions and harsh acts on the parts of the King's or lord's officers which were forbidden by the charters

¹ D.B. I 262 b 1.

² *Select Charters*, Glossary.

were forced billeting, purveyance, and forced loans, and there are several clauses limiting the credit which a burgess was obliged to give his lord.

We are accustomed to think of the burgesses as being exempt from all services in consideration of their burgrave rents, and the few records of other services emphasise the general freedom; according to their custom, the Londoners were exempt from all naval and military service; "for they ought to preserve the city as a refuge and defence of the realm, for all have refuge therein"; in only two boroughs, both Welsh, was any expeditionary service required of the burgesses, and in both cases, if they went at their own costs, they were not to go so far but that they could return at night: at Egremont, another border borough, they were required to find twelve men as garrison for the lord's castle for forty days. At Haverfordwest when the lord went to Parliament or on an expedition, as many of the burgesses as possible went with him. But it must not be thought that, because most of the charters omit all mention of military service, it was not rendered by the burgesses of some boroughs; Domesday Book specifies the military service that at the time of the conquest was required from the county boroughs. Thus, Oxford was assessed at one hundred hides and furnished twenty soldiers¹ and as late as 1523, twenty soldiers were impressed at Oxford and sent to Dover for the war with France². Cambridge was also assessed as a hundred and, at the rate of one man for an honour of five hides, would be required to provide twenty soldiers: in 1333, 1336, 1345 and 1351 the burgesses received writs ordering them to furnish twenty soldiers in each of these years for the wars of Edward III³.

As was required of the burgesses of Dover at the time of Domesday book, so in the reign of Henry II, the Barons of Hastings furnished twenty ships to the King, of which, according to the charter of his son Richard, the men of Rye and Winchelsea found two; at the same time, the men of Lydd supplied one-fifth of the ships required from Romney: and the burgesses of Maldon supplied one ship, the same service as had been required of them in the reign of the Conqueror (D.B. II 48). In addition to their garrison duty in the castle, the burgesses of Egremont were liable to be summoned to accompany the lord or his steward when they took a distress or levied an execution within the district of Coupland, and they were also

¹ D.B. I 154 a 1.

² *Domesday Boroughs*, 80.

³ Cooper, *Annals*, sub annis.

liable to find watches for the borough, a duty which was also incumbent on the burgesses of Bury St Edmunds. These latter, too, were liable to assist in repairing the borough walls; for their charters provided that when the knights and free sokemen worked on the walls, the burgesses should also work there "because that work is not more incumbent on the burgesses than on the knights": this explanation reminds us of the pre-conquest "burhbot," the duty of the landowners to assist in repairing the walls of the county boroughs. Similarly the Hereford charter provides that the citizens should aid in fortifying the town; and here, as at Bury, it is clear that they were liable for part only of the work. Similar evidence, showing that part only of the duty of fortifying the city of Chichester devolved on the citizens, is afforded by two writs of King John, both dated 12 September 1205, and both couched in the same terms and, except in the address, differing only by one word: one was addressed "to all who owe aid in fortifying the City of Chichester" and the other "to the Citizens of Chichester," and both command the recipients to aid in fortifying the city to the satisfaction of the Bishop of Chichester "as far as pertains to you¹."

But if the burgesses of certain boroughs were liable to assist in the fortification of their boroughs, the burgesses of other boroughs were exempt from this liability: the Wallingford and Maldon charters exempted the burgesses "from works of castles and walls and ditches and parks and bridges and causeways." Presumably, some of the inhabitants of a city or borough were exempt from this liability; for in 1192, Queen Eleanor addressed a letter to the monks of the Holy Trinity at Canterbury begging them to assist in repairing the walls of that city, and promising that their so doing should not be considered a precedent². On the whole, it seems that the documents of our period afford no evidence either for or against the "garrison" theory of the origin of the English borough.

The charter of William the Lion to the burgesses of Inverness is no evidence on this point: for here we have a document by which the King agreed to surround an unfortified town with a ditch, on which the burgesses agreed to erect and maintain a palisade. I know of no genuine document of our period which refers to "murage," a due which was the subject of many grants during the next reign: the word denotes a toll on certain commodities granted by the King

¹ *Pat. Rolls*, John, 45.

² Merewether and Stephens, *History of Boroughs* 1 369.

for a specified time to assist the burgesses of any borough in fortifying that borough ; but it was not granted to every borough, and its duration was limited.

We have already spoken of the military and other services of the burgesses of Egremont : and they were the only burgesses who, according to our charters, were liable for agricultural services : every burghage found one man to reap in autumn, and every burgess, who had a plough, did one day's ploughing on the demesne : we have printed clauses freeing the burgesses of Leicester and Lancaster from their agricultural services and the payments in lieu thereof.

The next two titles show the impossibility of laying down any general rule which can apply to all boroughs : the burgesses of Newcastle and Wearmouth were exempt from merchet, but those of Egremont were liable to that fine under certain circumstances : the burgesses of Newcastle, Wearmouth, Bristol, Lancaster, Cardiff and Tewkesbury were freed from suit of the lord's mill, but those of Egremont, Frodsham and Elvet were required to grind their corn at their lord's mill. The burgesses of Frodsham and Leeds were bound to bake bread in their lord's oven, but at Newcastle, Wearmouth, Cardiff, Tewkesbury and Egremont they might have their own ovens¹.

Finally, we have a number of miscellaneous privileges which defy classification, including the services rendered at the coronation by the burgesses of Oxford and the Barons of Hastings, the rights of the men of Bristol at Dublin, the licenses granted to the men of Dublin to build a bridge, and to the Barons of Pevensy to build a new town, and the grant that the royal mint and exchequer should always be at Winchester. Reference will later be made to the rights of the Barons of Hastings at Yarmouth ; but both they and the men of Winchelsea and Rye were "to have their findings by land and sea, and to be quit of all things as the King's free men." Considering the doubtful reputation of the mariners of the Cinque Ports, and the suspicion that they were not incapable of piracy, it is tempting to suggest that "findings" is an euphemism.

¹ That proportionately considerable sums were derived from the custom requiring the burgesses to bake at the lord's oven is shown by the earliest financial statement of the city of Chichester, dating, in my opinion, from some year between 1300 and 1312 : this shows the market tolls to have amounted to £5. 7s. *od.*, while the payments for the use of the King's oven were 13s. 4*d.*, and certain bakers paid 11s. 6*d.*, for license to have their own ovens (P.R.O. Ministers' Accounts, 1022/2).

III. *Burgess Franchise*

There are not many clauses in these charters dealing with the burgess franchise and the ways in which men became members of the privileged community.

The clauses creating free burgesses fall into two categories: the Wells and Hartlepool charters were confirmations by the King of previous grants, but that for Bridgewater was a charter of creation; the Wells and Hartlepool charters appear to have conferred the status of free burgesses on all the inhabitants of these two boroughs. It is remarkable that out of nine charters granting the "liber burgus, only three speak of the "liberi burgenses." The provisions at Newcastle and the places deriving their customs from Newcastle, that sons living at home with their fathers should enjoy the same franchise as their fathers, may be a relic of the *patria potestas*; but it is noteworthy that no charter contains special provisions for the acquisition of burgess rights by the emancipated son or the apprentice of a burgess. Strangers, however, became burgesses by occupation of a burgage and the same method was apparently open to sons and apprentices of burgesses: at Tewkesbury, the stranger who bought a house was obliged to pay his fine for his freedom and do his fealty at the next court after his purchase, and also to find sureties for his behaviour (p. 141). At Pontefract it was necessary that the reeve should give him seisin of his burgage. Evidently the burgesses of these two boroughs were on their guard lest secret purchases of burgesses should give the franchise unawares, and thus they might become liable for the debts of persons of whom they had no previous knowledge. The Okehampton charter also foresaw that persons might apply for the franchise who ought not to be received. Another method by which a stranger acquired the franchise of a borough was by residence therein for a year and a day: but this was also a means whereby a villein became a free man, and accordingly some boroughs required more than mere residence: at Newcastle, there must have been no previous agreement with his lord that the villein should be allowed to live in the borough: and it is well known that in later centuries the sons of villeins paid chivage or headmoney for permission to live outside the manors in which they were born. Northampton, by its custumal, and Lincoln and Dunwich, by their charters, required that the villein should have been a member of the merchant guild for the year and the day. It will be noticed that, while at Newcastle, Wearmouth, Dunwich and Hereford, this method of acquiring the

freedom was open only to persons of servile descent, at Pembroke, Lincoln, Nottingham, Derby and Haverfordwest, it was open to any person, whether bond or free, and therefore presumably to the sons and apprentices of burgesses: at Egremont, this method was available for strangers, except those who came from the King's demesne: this proviso was necessary because no charter of a mesne lord could give freedom to a villein from the King's demesne: indeed it is hard to see how, if the villein of any man came to live in a borough, any charter, except the King's, could guarantee his freedom after residence for a year and a day.

Six out of the seven clauses included under our next title, Franchise by Royal Grant, apparently refer not to the acquisition but to the restoration of the franchise: the solitary case of acquisition refers to the burgesses on the land of the Hospital of St John Baptist at Bridgewater, and should be compared with John's charter to the Abbot and Canons of Grimsby authorising them to hold a court in the borough for their own men (p. 125); and it is possible that this Grimsby charter gives the clue to the other clauses in this title. One explanation of these clauses is that, certainly at Huntingdon and Guildford, and possibly at Colchester, Lincoln and Gloucester, the burgesses resented the existence within the borough of persons who were exempt from the borough court, but paid suit to the court of a soken, and that therefore they had refused to these men their rights as burgesses. On the other hand it may be that the burgesses exacted tolls from privileged persons on whose behalf the King interfered. The writ of Henry I to the burgesses of Guildford in favour of the tenants of Geoffrey Purcell shows that even in these early days residents in rural manors had acquired rights in burghal markets: possibly even they were non-resident burgesses or members of the merchant guild. The Pipe Roll for 1201 shows that on one occasion at least the King granted a charter conferring the burgess franchise on an individual; for Madox¹ quotes the record that David the Dyer accounted for one mark that his messuage in Carlisle might be a burgage, and that he might have the same liberties as the other burgesses.

The next title shows the closeness of the connection between liberties and duties: any man who shared in the liberties of a borough must also share in its duties and pay his proportion of the gelds and taxation of the town. This is emphasised by the writ of Henry I to

¹ *Firma Burgi*, 270 (c).

the sheriff of Kent, relating to the aids of the city of Canterbury: the servants of St Augustine who neither bought nor sold nor carried on trade within the City were to be exempt from the aid, but conversely, those who used the civic markets were required to pay their share. But in order to attract settlers to Coventry, new-comers were exempt from taxation for two years from the time they began to build. At Chesterfield alone was the lord empowered by charter to veto the grant of the franchise to new-comers: and the charters of Helston and Inistioge alone contained rules as to the residence of burgesses.

IV. *Jurisdictional Privileges*

The number of clauses in that part of our code which relates to the jurisdictional privileges of the burgesses shows the important part played by the court in the life of the borough: the borough was a jurisdictional oasis and the burgesses considered this isolation of theirs from the rest of the county as being among the most valuable of their privileges. For the sake of clearness, we have divided the clauses dealing with the borough court and its peculiar laws under five sections, the establishment of the Court, Modes of Trial, Procedure, Punishments and Distress.

A. The Court

The first title in our first section appears to be directed against the existence of the borough court, for it allows certain offences to be settled out of court, "as," according to the Norham charter, "free burgesses are wont" to do. But when offences were settled out of court, the lord of the court lost the fines, the wites, to which he would otherwise have been entitled, and therefore the Wells charter, when authorising such settlements, expressly declared that the Bishop should not be entitled to the custom, or fine due to him. We shall see that the charters of Henry II declared the men of Hythe and Dover to be "witefree" and that other charters exempted certain burgesses from other specified wites. At Whitby, so much importance was attached to this voluntary settlement of offences, that it was not till the plaintiff had asked compensation of the defendant on three separate occasions that he was allowed to summon him before the borough court. The restriction of this privilege at Wells to offences that were committed within the bounds of the burgesses' house reminds us of the 19 burgesses of Warwick who had sake and soke in their

own houses¹ and of Aelmer and the other burgesses at Wallingford who received certain forfeitures from their own houses and their own men²: it is a clear survival of the primitive "house-peace."

There are only two charters conferring on the burgesses the right to hold all pleas within the borough, Bradninch and Shrewsbury, but there are a number relating to sake and soke, toll and team and infangthef; whatever may have been [the meaning of sake and soke in the eleventh century, by the time of these charters these words implied the "feudal or manorial" jurisdiction, the jurisdiction that a lord has over his tenant by reason of the latter's tenure³. Toll is defined as the right to take toll within a certain district; team, the right to call on the possessors of stolen property to vouch to warranty, *i.e.* to name the person from whom he obtained it; and infangthef, the right to punish thieves captured within the limits of the district. The language used in the charters relating to these privileges requires careful notice: sometimes they appear to be granted to the individual burgesses as appurtenances of their lands and tenements: the writ of Henry II in favour of William Earl of Gloucester, ordering that his men of Burford should have all their tenements with sake and soke etc. (p. 17), is almost certainly a grant to the individual burgesses, as a result of which they became like the 19 burgesses of Warwick, who had 19 masures with sake and soke and all customs⁴. The clauses in the Maldon (p. 39), Oxford and Hythe charters are ambiguous, but on the other hand the grant is to the *boroughs* of Dunwich, Lynn and Yarmouth: at Shrewsbury, the burgesses are granted sake and soke over the borough and hundred: and at Stafford and Droitwich these rights appear to be appurtenances of the borough, which, in each charter, is granted to the burgesses at fee farm. The Marlborough charter with its grant that the borough and burgesses should have their mansions and possessions with quittance of sake and soke, etc. in the royal demesnes, is ambiguous and may be interpreted either as a grant of jurisdiction to the borough, or as grants to the individual burgesses. It is obvious that the grant to the borough creates a borough court, while the grant to the individual burgess creates a number of private jurisdictions to which the term *soken* has been applied: of them we shall speak later.

Lynn, Yarmouth, Portsmouth and Marlborough were the only boroughs of which the burgesses had the privilege known as

¹ D.B. I 228 a 1.

² *Id.* I 56 b 1.

³ See *Select Pleas in Manorial Courts*, Introd. p. xxiii. ⁴ D.B. I 238 a 1.

outfangthef, the right of following a thief into another district, and while the burgesses of Portsmouth, Nottingham and Derby had toll team and infangthef, their charters did not grant them the rights of sake and soke.

Although only two of our charters contain clauses which definitely confer jurisdiction, yet our next title contains clauses from charters relating to 44 boroughs, which by implication recognise the existence of courts having jurisdiction within their bounds. There must be a borough court before men can be exempted from pleading without the borough and the number of charters conferring this exemption show the value attached to it by the burgesses. The earliest of these were granted in very wide terms: Henry I ordered that the citizens of London should not be impleaded without the walls for any plea: but his grandson qualified this grant by excluding from its operation pleas relating to lands without the city and to the burgesses who were his minters and servants. Other charters excepted the pleas of the crown; at Kilkenny, pleas of the lord's household, Egremont, pleas of his forest, and at Frodsham, pleas of his sword, were also excepted. (Frodsham was the creation of the Earl Palatine of Chester, and the pleas of his sword corresponded to pleas of the King's crown.) The court in the churchyard at Leicester should be noticed as a relic of the times when moots were held in the open air. But, as pointed out in the *History of English Law*¹, the burgess could not refuse to plead in the external court; the authorities of the borough came and claimed cognizance of the suit, in the same way as the Vice-chancellor of the University of Oxford can claim from the Mayor and city Justices cognizance of the offences of unruly undergraduates.

Some of these clauses contain exemption from suit to hundred and shire courts, but at Leicester the exemption was from the hundred court alone: and there are some six or eight charters containing specific exemption from these suits. When we find that this exemption is contained in the charters to some of our oldest boroughs, Wallingford, Maldon, Hythe, Dunwich, Yarmouth and Stafford, all of which are called boroughs or are stated to contain burgesses by Domesday Book, we are tempted to ask whether the inhabitants of a borough were in the eleventh century exempt from suit at the hundred moot; on the other hand, it may well be that these clauses are inserted in these charters merely to ratify existing liberties: but

¹ I 676.

if the latter be the true explanation, we should have expected to find these clauses in a larger number of charters.

Closely akin to the clauses exempting the burgesses from the jurisdiction of external courts, were those which represent what in later days was so well known as the non-intromittat clause, forbidding the sheriff and other county officials from intermeddling with the affairs of the borough; at Bury St Edmunds the prohibition was in favour of the Abbot and his minister; and possibly this clause should have been omitted as it is not a clause in favour of the burgesses: at Wallingford the clause was in favour of the guild, and reserved all its disputes to the judgment of its alderman, while the Andover and Newcastle clauses are chiefly concerned with the fee farm rent. The Portsmouth reservation of pleas concerning real estate to the Crown or Chief Justice is unique, and is not found in the Marlborough charter which in other respects is a copy of that to the burgesses of Portsmouth; while the clauses relating to proceedings before the itinerant justices show the impossibility of laying down any general rule as to any burgensic privilege: according to the text-books, no rule was more definite than that, while an ordinary vill was represented before the justices in Eyre by four of its inhabitants, a borough sent twelve men¹. The Dunwich charter is an example of this rule, but the Colchester charter allows the burgesses to acquit themselves by four men, the same as any ordinary vill. At Dunstable and possibly at Huntingdon the justices visited the borough: at Colchester and Dunwich the burgesses waited on the justices. Again, at Dunstable, pleas were determined by the oath of twelve burgesses, but at Dunwich amercements were assessed by six burgesses and six foreigners: but the last two clauses are not "in pari materia."

The remaining clauses in this section relating to sokens or private jurisdictions within boroughs require careful consideration. That a soken was a jurisdictional oasis within a borough is shown by the writ of Henry I to Colchester ordering that St Paul should have his soken and customs and liberties within the borough, so that those who dwelt in it should not plead without the soken unless the Saint had first failed in doing right, and the London custumal of Stephen's reign shows that the sheriff of London was not at liberty to execute justice in the case of a man dwelling within a soken till its warden had failed in doing right. One such soken was created by John at Grimsby where he granted to the Abbot and Canons certain lands

¹ For criticisms on this

d rule see *Supplemental Essays* 1 p. xcii.

which had fallen to him by way of escheat, and later granted a charter exempting the dwellers in these lands from suit to the borough moot, and providing that they should pay suit to the proper court of the Canons; and notwithstanding this exemption, the dwellers in the Abbot's land were to enjoy the same rights and privileges as the other burgesses. A few years later, the same king directed a writ to the bailiffs of Yarmouth ordering them to permit the Barons of Hastings to have their court at Yarmouth for their free tenants according to the charter which they had to that effect: possibly his reference is to his father's charter, regranted by himself, that the Barons should have strand and den at Yarmouth, "and that they care there for peace and justice along with my reeve" (p. 99.). Although the word "soken" is not used in either of John's documents, it is clear that the courts thus created formed immunities within the borough, like the soken of St Paul at Colchester. But the grant of immunities surely runs riot, when Robert of Cardinan grants to the burgesses of Lostwithiel that if any of them has a tenant in the said town, he may hold a court for him. These three documents then agree in giving jurisdiction within a borough to others than the whole body of burgesses, or to another court than the borough moot: but there is another point of agreement: the Abbot of Grimsby, the Barons of Hastings, and the individual burgesses of Lostwithiel alike had jurisdiction over their own tenants and over no others: but before a man can have tenants, he must own land which can be held by them, and therefore in these three cases the proprietary interest must have preceded the jurisdictionary interest. And Domesday Book shows that the interest of St Paul in his soken at Colchester was also a proprietary interest: for it records that the Bishop of London had four acres and 14 houses in the borough¹. Hence, all our documents support Professor Maitland's teaching that in the thirteenth century, "sake and soke" imply the jurisdiction which arises from tenure and is exercised by a lord over his tenant².

Now let us turn to pre-conquest documents: Edward the Confessor issued a writ to William, Bishop of London, Suetman the portreeve, and to all the burgesses of London, commanding that Wulfwold, Abbot of Chertsey, should have sake and soke over all his haws therein and over all his men, a grant which was afterwards confirmed by Henry I who issued a writ that the Abbot of Chertsey should have his soken in London. Again the proprietary interest precedes the jurisdictionary; for the word "haga" when used of an urban tenement

¹ D.B. II 11.

² *Select Pleas in Manorial Courts*, Introd. xxiii.

by Domesday Book, always refers to those town houses which were appurtenant to rural manors: compare the Confessor's grant to Westminster Abbey of "Staines and that land Staninghaw within London": but Domesday Book does not record that Chertsey Abbey owned any manors with appurtenant houses or burgesses in London.

Similarly, the Confessor's grant to the English Cnihtenegild of sake and soke was a grant of this privilege over their own men, and the writs of William II and Henry I confirm to the Knights their guild and the land pertaining to it, with all its (or their) customs as they had them in the days of King Edward. So that these writs show us a guild owning land with sake and soke over their tenants, in the same way as Domesday Book records of Thorp (Northants), "tenuit Tochi cum saca et soca¹," and as the Chapman guild of Canterbury possessed the right of sake and soke over some of their houses². Here again, the proprietary interest precedes the jurisdictionary, for it is obvious that the guild could not have had men without first having land which could be tenanted by them. And indeed, the tradition as to the origin of the guild shows that it was a land-owner: for the monkish editor of the chartulary of the Priory of the Holy Trinity without Algate tells that the guild obtained from Edgar certain land without the city as a recognition of their exploits: the tale may be disbelieved, but the fact remains that the guild owned land, and the tale may have been invented to account for its possession. During the reign of Henry I the surviving members of the guild gave their whole land and soke to the newly founded Priory of the Holy Trinity, and in testimony of their gift, placed all their charters on the High Altar of the Church, whereupon they were admitted to a share of the spiritual benefits of the Priory³; the chartulary says that this gift was made in 1125, but Stow gives the date as 1115, and as the earliest of the Royal charters confirming the gift was attested by Ralph, the Chancellor, who died in 1123⁴, Stow is probably right. Within our period there are six documents by which the Royal sanction was given to this gift, and it will be well to set out the descriptions of the gift as contained in each document:

¹ D.B. I 227 a 2.

² *Gild Merchant* II 37.

³ If Bishop Stubbs and Mr Loftie had consulted old Stow (*Survey of London* (*Everyman's Series*), III), they would have been spared Dr Round's criticisms (*Commune of London*, 104).

⁴ I have to thank Mr H. W. C. Davis for pointing this out to me.

(1) Henry I, 1107—23. Charter granting "to the Canons that they may have the soken of the English Cnihtenegild with the lands and all the men pertaining to the same soken within the city and without."

(2) Henry I, 1124—8. Notification that the King had granted to the church and Canons... "the soken of the English Cnihtenegild and the land which pertains to it within the borough and without as the men of the same guild gave and granted to them."

(3) Henry I, 1124—7. Exactly the same as (2), but substituting "and the church of St Botolph" for "within the borough and without."

(4) Henry I, 1123—35. Precept that the Prior and Canons should hold their men and land of the English Cnihtenegild as their predecessors had it.

(5) Stephen regrants (4).

(6) Henry II, 1158, regrants (2).

Of these six documents, two omit all mention of the soken and all mention the land which passed to the Priory by the gift of the guild¹.

A third soken mentioned in our documents is the soken of the gate of Algate, which, with the gate, Queen Maud gave to the Priory of the Holy Trinity when she founded it; this she stated to be of her demesne. Its boundaries are preserved in the cartulary of the Priory, and are shown by Stow² to be wholly within the walls, while the soken of the Cnihtenegild lay wholly without the walls. But I cannot trace the earlier history of the Algate soken.

Yet a fourth soken is the soken of the honour of Huntingdon which was granted by Earl Simon to Roger fitz Reinfrid for the rent of a bezant, and was confirmed to him by Henry II in 1175, and some little enquiry may be made as to its history. In the *Calendar of Documents relating to Scotland*³ is a document addressed by Earl David to the reeve and all the men of his land and soken in London and Tottenham, and notifying them of his gift of a house to Roger the Archdeacon at a yearly rent: but David was Earl of Huntingdon and as such was addressed in the writ of Henry I respecting the rights of the Church of Huntingdon in that borough (pp. 105, 107). Turning to Domesday Book⁴, we find that Tottenham in 1086 belonged to the Countess Judith and had previously belonged to her husband, Earl Waltheof, who had been Earl of Huntingdon in the

¹ Further notes on the soken of the Cnihtenegild will be found in the *Supplemental Essays* III p. ciii.

² *Survey of London (Everyman's Series)*, pp. 125—7.

³ Vol. I p. 537.

⁴ I 130 b 2.

early part of the reign of the Conqueror: so that the Huntingdon soken in London appears to have had some connection with the manor of Tottenham, although Domesday Book records no houses in London as being appurtenant to that manor.

A fifth soken mentioned in our documents is that of St Peter of Westminster, which, Professor Maitland suggests, was "that land Staninghaw within London" which was given to the Abbey by the Confessor as an appurtenance of the manor of Staines. Here again, the proprietary interest precedes the jurisdictionary.

Bearing in mind this intimate connection between the proprietary and the jurisdictionary interests in the sokens, we shall be able to understand the clause in the London charter of Henry I, in which he granted "that the barons and churches and citizens should have their sokens with all their customs, so that strangers who lodge in their sokens shall pay their customs to none except to him who owns the soken or to his minister." These customs are not only the profits of jurisdiction, but also the rents and other dues from the inhabitants of the sokens, as I argued some six years ago, from a comparison of this charter with the language of Domesday Book¹.

Care must be taken to distinguish between a soken and a settlement of unprivileged men dwelling by the side of a privileged community, sometimes even within the same walls. Miss Dormer Harris has called attention to the division of Coventry into Earl's-half and Prior's-half, where the inhabitants of the former obtained two charters as early as 1186 or earlier, while the inhabitants of the Prior's-half remained for centuries the villeins of the Prior². But our Grimsby charter shows that, except for their exemption from the borough court, and for certain privileges as to the assessment of tallages, there was no difference between the Abbot's burgesses and the other burgesses of the borough.

The two charters ratifying the grant of the Aldermanry in Canterbury are included in this section, rather than among the clauses relating to the officials of the borough, because while the latter were elected by the burgesses or nominated by the lord, this Aldermanry was a heritable and transferable franchise, and in this respect was similar to the soken³.

¹ *Domesday Inquest*, 118.

² *Life in an old English Town*, pp. 33—68.

³ For sales of the Aldermanry of the Farringdon Ward in 1277 and 1279 see Stow, *Survey of London*, 278.

The remaining sections relating to the jurisdictional privileges of the burgesses need not detain us long: Miss Bateson has dealt so fully with *Methods of Trial*, *Procedure and Punishments*, and with the burgesses' privileges of distress that it is impossible to add much to what she has said¹.

B. *Methods of Trial*

In most boroughs, trial by battle was forbidden, but it was allowed at Norwich in cases of treason, at Bristol and Dunwich in cases of homicide of a man coming from without the borough, and at Kilkenny for homicide, larceny, or any plea in which duel ought reasonably to be made. On the other hand the customary methods of trial were preserved to the burgesses both in actions relating to their lands and real estate and in the pleas of the crown. As early as 1156 the court of the Cinque Ports was established at Shepway, and the charter to the men of Rye and Winchelsea (1911) provides that they shall not plead otherwise than in the same way as the Barons of Hastings and of the Cinque Ports were wont to plead in the time of Henry II. The Shrewsbury charter forbids the use of the newly invented writ of *Mort d'ancestor*, and the same charter shows that the lands of the borough were subject to one or another of three customs, the law of Breteuil, the law of the Barony and the law of Englishry.

Although the wager of law was giving way in the country districts before the assize, yet its continuance was allowed in the boroughs: but here again each borough was a law unto itself: at Dublin, 40 compurgators were required; York, Egremont and Wearmouth required 36; Dunwich asked for 24, while Swansea was satisfied with five in cases of treason; at Pontefract and Leeds the number varied from 36 to two according to the nature of the offence, and in these two boroughs, a man who had been twice convicted of larceny within the borough was obliged to clear himself of the third charge by battle or ordeal. The provision in the Kilkenny charter that the burgesses could prove their debts by the suit of lawful men, appears to allow trials under the system of assize, but trials of this kind, under the name of "*recognitiones*," were expressly forbidden at Bristol, Dublin and Chester: the compurgators, be it remembered, were practically only witnesses to character, in that they swore that they believed that the oath taken by their principal was true. There is not a clause in

¹ *Borough Customs* vol. II Introduction.

our collection as to the view of frankpledge and only a few relating to mainpast and bail, and these differ from each other very considerably: at Tewkesbury a burgess answered for his children and tenants, and, as previously noticed, new burgesses were required to find sureties: on the other hand, at Bristol, Dublin and Kells, no burgess was bound to go bail for any, even for his landlord. Bail was allowed at Haverfordwest, except in cases of homicide, and at Kells, even in these cases, if six burgesses would go surety; but if these were not forthcoming, the offender had free custody in the lord's castle till the plea was determined, that is, he was kept within the castle walls, but not in chains nor confined in a dungeon¹. At Pontefract, every burgess had to pledge his own distress, that is, he was bound to deposit goods as surety for his appearance, unless he was charged with a plea of the crown, or was unable to produce a deposit. The Swansea rules deciding the court in which the burgess should be tried, according to the time when bail was sought, remind us of the Domesday provisions as to trials at Guildford².

C. Procedure

The rules of procedure were matters of tradition rather than of grant, and while some were included in the charters for greater security, others were included to prevent hardship to the burgesses: the provisions that the courts should be held only once a week appear to have been inserted to prevent the burgess being harassed by too frequent sittings: the name of the court varied from borough to borough: at London, Northampton, Norwich, Grimsby, Lynn and Yarmouth it was called the husteng: at Bristol and Dublin it was called the hundred, at Canterbury the burghimot, at Leicester the portmannemot, and at Wallingford the portimot. The Whitby charter provided for three greater courts to be held during the year, at the Epiphany, at Easter and at the feast of St Hilda: the final clause on p. 142 is capable of two meanings: either that lesser courts could be held in the intervals between these greater courts for the hearing of pleas³, or, in view of the powers given to the burgesses to effect settlements out of court, that pleas arising in the intervals should be adjourned to and heard at the next court. More valuable to the burgesses than the clauses fixing the times of the courts were those dealing with the place at which their actions should be tried, and it was eventually

¹ *Borough Customs* II xxv.

² D.B. I 30 a 1.

³ This was Miss Bateson's view, *E.H.R.* 1905, p. 146.

settled as a general rule that if a debt was contracted or a pledge given within a borough, pleas on these accounts should be held within that borough: but this rule was a modification of the broad grant of Henry I to the citizens of London, allowing them to sue all their debtors in London.

We have already noticed that at Whitby a plaintiff was obliged to ask the defendant thrice to settle amicably before he could bring him before the justice, and at London, according to the custumal known as the *Libertas*, a summons was required. The *Tewkesbury* and *Pontefract* documents show the excuses the defendant could make for his non-appearance, while at Egremont he was fined sixpence if he failed to appear. Very many of our charters show a reaction from the formulism of the pre-conquest law, and contain clauses forbidding "miskennen," *i.e.* the failure of a party for non-observance of the strict rules of pleading: but at Egremont, a party who failed in his plea through faulty pleading could pay fourpence to the lord and "recover his plea."

D. Punishments

One of the new penalties introduced by the Conqueror, and therefore not enforced in those boroughs whose judicial customs had been preserved, was the murder fine, a fine imposed on the hundred in which a man had been killed¹. And consequently we find a number of charters in which the burgesses were declared to be quit of murder: in the *Kilkenny* charter and its various derivatives, it was declared that no homicide within the borough was to be reputed as murder: at *Portsmouth* and *Marlborough* the burgesses were granted freedom also from "blodwite, fichwite, et leirewite," the fines for bloodshed, fighting and incontinence of the female members of the family, and the men of *Hythe* and *Dover* were declared by Henry II to be wite-free, free from all wites or fines payable to the crown (p. 182), and the same king freed the burgesses of *Wallingford* from "blodwite et bredwite," the latter term possibly signifying fines for breaches of the assize of bread. ?

More important than the express prohibition of certain specified fines, was the prohibition of the arbitrary fine known as the *miseri-cordia*, and the limitation of the amounts that might be levied by way of fine. The earliest charter to London limits this amount to the

¹ But as to this see Maitland, *Collected Papers* 1 230.

burgesses' weregild, the sum of 100s., and this was the amount fixed in the Colchester charter of Richard I: Henry II granted that this amount should be determined according to the ancient laws of the city, and the London standard was granted to Northampton, Norwich and Lincoln, but Canterbury, Winchester, Gloucester and Cambridge had their own customs in this matter; the law of Winchester was followed at Newcastle-on-Tyne, and that of Northampton at Grimsby, while amercements at Ipswich were fixed according to the laws of the other free boroughs. At Bristol the limit was 40s. and this limit was followed at Dublin, where one half of the penalty was pardoned to the offender who therefore paid only one moiety by way of fine, and where, too, the minor pleas of bread and beer and neglect of watch had a maximum penalty of 2s. 6d. each, of which one moiety was pardoned to the offender. Similarly in the Kilkenny charter and its derivatives a distinction was drawn between major and minor pleas and the fines inflicted in each case. A twelvepenny limit, as at Breteuil, was fixed at Pembroke, Swansea, Okehampton, Coventry, Frodsham, Inistioge, and Haverfordwest; in two boroughs, Frodsham and Swansea, a greater penalty was incurred for bloodshed between noon on Saturday and Monday morning: this provision is in accordance with the Domesday custom at Chester¹, and its appearance at Frodsham is explained when we remember that the Frodsham charter was granted by an Earl of Chester, but it is hard to find any Chester influence at Swansea. The scale of penalties at Egremont varied according to the nature of the offence, and it is worthy of note, that while a burgess who slandered or insulted his male neighbour was fined 3s., his wife, if she insulted a female neighbour, was fined only 4d., and in the latter case, if the complainant could not prove her case, she, too, was fined 4d. As far as is shown by our charters, Wallingford, Eynsham, Coventry and Corbridge were the only boroughs where the fine was fixed by a jury of the burgesses. At Lostwithiel, Bideford and Bradninch a sixpenny limit was set to fines imposed by the court, but in the borough of Eynsham the limit was the high sum of 10s.

The Shrewsbury and Egremont charters alone authorise the burgesses to fix the assize of bread, but at Tewkesbury the fines that were inflicted on offenders against the assize, were assessed by twelve burgesses. At Winchester, in 1205, the King himself fixed the weight of the penny loaf and appointed three men to be wardens of the

¹ D.B. I 262 b 1.

assize. We have already noticed the clause in the Wallingford charter exempting the burgesses from "bredwite," and this exemption suggests that even in the first years of the reign of Henry II there were some regulations corresponding to the later assize of bread; but the existence of such regulations is carried back to the reign of his grandfather by the laws of Newcastle providing for the punishment of those who incurred forfeiture for bread and beer: and Domesday Book shows that even in the reign of the Conqueror, the maker of bad beer at Chester was fined 4d.¹ And there is other evidence that the assize of bread and beer was known as early as the Conquest; for in the extract from the Cartulary of St Augustine printed in the appendix of Larking's *Domesday of Kent*, which extract is, in my opinion, part of an independent compilation for the use of the Abbey from the original Domesday returns, is a passage "that if bread or beer was made in any manner other than the ancient custom, the 'seniores' (? seigneurs or aldermen) ought to have the forfeiture," but it was taken by Brimann the reeve, and the record suggests that it was wrongfully taken by him.

E. Distress

We have already noticed the frequent clauses that empowered the burgesses to sue their debtors in the borough courts for all debts contracted within the borough; and many of the charters gave them another remedy in permitting them to take distresses from their debtors when they found them within their borough, and even, as stated in the London and Colchester charters, from those who lived in the same county or community as their debtors; but on the other hand they could not distrain on their fellow burgesses without the license of the reeve. The object of this distraint was stated in the Colchester charter to be that thus the debtor might be compelled, either to pay the debt or to appear to the suit in the borough court, and at Okehampton the creditor was empowered to retain the distress until the debt was satisfied. But there were certain occasions when the creditor was not at liberty to exercise this right: at Newcastle it was unlawful to distrain on debtors attending the courts or engaged in army service or castle guard: at Wearmouth the exemption was extended to all who were doing business in the town for the Bishop of Durham, the lord of the borough: nor was distraint lawful on those who were going to the markets at Nottingham and Derby, or to

¹ D.B. I 262 b 1.

the fairs at Pontefract and Leeds. It would seem that the burgesses to whom was granted the privilege of distraining on their debtors, extended this privilege, on the lines of the Colchester and Pembroke charters, and took distress from persons living in the same town or even in the same county as their debtors; hence we find in the Bristol and Dublin charters clauses forbidding distress on burgesses of those towns unless they were the principal debtors or sureties, and this clause was frequently used in John's charters and in those of his son until it was rendered unnecessary by an act of Parliament in 1275¹. Finally, we have a number of clauses showing how distresses ought to be dealt with: at Gateshead and Tewkesbury the creditor was forbidden to carry out of the borough any goods which he had taken by way of distress, and at Pontefract, if the goods of one man were taken from another by way of distress, the second was required to redeem them from the creditor. We have a similar provision in our present day law; for the Lodgers' Protection Act 1875 provides that a landlord, who has distrained for rent on the goods of a lodger in the house of his tenant, shall, after proper notice, return to the lodger his goods which are included in the seizure on payment of the rent owing from the lodger to the tenant. At Bury St Edmunds, the creditor could, under certain conditions, sell the goods taken by way of distraint: and the want of such provisions in other charters appears to show that, as a general rule, the distress could not be sold, but could only be retained as security for the payment of the debt or the appearance in court of the debtor.

V. *Mercantile Privileges*

A. *Markets and Tolls*

More important to the King than the revenue arising from the law-courts of the borough was that arising from the markets and tolls; we all remember the frequent legislation of the pre-conquest kings against extra-urban commerce. "Let no man bargain out of port," says Edward the Elder²; and to this Athelstan added "Let every market be in a city³," and the concentration of commerce would hinder the sale of stolen property and facilitate the collection of tolls⁴. These would probably be the reasons why Edgar granted to Peterborough Abbey the right of holding a market at Medehamstead, and for his

¹ Statute Westminster I c. 23.

² Liebermann, *Gesetze der Angelsachsen*, 139.

³ *Id.* 157, Latin version.

⁴ *Domesday Book and Beyond*, 194.

further order that there should be no other "betwix Stamford and Huntingdon¹." But to only one borough in England was there a similar grant, and during the third decade of his reign Henry I addressed a writ to the Bishop of Ely and all his Barons of Cambridgeshire forbidding any ship from trading at any hythe in Cambridgeshire except at the borough of Cambridge, and forbidding wagons being loaded or toll taken elsewhere than within the borough. The orders of his grandson with respect to Nottingham were far less sweeping when he granted that for ten leagues round no one should work dyed cloths except in the borough, and that the men of the two shires of Nottingham and Derby should come to Nottingham with their wains and sumpter animals on Fridays and Saturdays; but this latter clause, and a similar clause in the Derby charter of 1204, may mean nothing more than a prohibition of other markets in those two shires on those days. More akin to the Cambridge writ is the writ of Henry II to his sheriffs and ministers of Lincolnshire ordering them to make all foreign merchants go to Lincoln and trade there so that his reeves should not lose his royal customs; and his Pembroke charter also contains a ban of trade to the borough.

It is, however, when we cross the Cheviots that we see the doctrine "that no man bargain out of port" pushed to its limits: for the charters of William the Lion to Perth and Aberdeen expressly compel all merchants to come to these boroughs, and forbid all trading within the counties of which they were the heads: the Inverness charter prohibited the making of dyed cloth in the county, except in the borough, and that to Rutherglen prescribed certain boundaries within which sales of merchandise were prohibited unless it had first been exposed in the borough. The laws of Newcastle-on-Tyne forbid trading on shipboard, and the Ilchester charter appears to insist that all goods passing over a certain bridge should be exposed for sale in the borough. A ludicrous example of monopolies can be quoted: by charter Henry I granted the school of Huntingdon to the Canons with a prohibition against the holding of any other school in the county²: and there are other similar cases.

Some eight years ago I called attention to the fact that Domesday Book contained very few references to markets or fairs in boroughs, and that the Index to the edition of the Record Commissioners mentions markets in 42 places, only 11 of which were styled

¹ A.S. Chronicle, sub anno 963.

² *Monasticon* vi 80.

boroughs¹. Similarly our collection contains very few references to markets or fairs: of the five Royal charters establishing markets in English boroughs quoted in these pages, two were granted to private individuals; the Pembroke charter refers to a Sunday market as already established before the date of the charter; William the Lion established markets in Inverness, Ayr, and Aberdeen, and in 1175 gave permission to the Bishop of Glasgow to establish a market in that city. Grants of fairs were more frequent, and we have grants of fairs in twelve boroughs, only one of which was to a private individual, although the Archbishop of Dublin was declared to be entitled to the first two days of a fair at Dublin which extended over 15 days. Some of John's grants of markets and fairs contain a proviso that the market or fair thus granted should not be a nuisance to other neighbouring markets or fairs, and the converse of this is found in the Colchester charter of Richard I forbidding the disturbance of the Colchester market by others.

All the clauses relating to tolls are not "in pari materia": the right to impose tolls is granted at Bridgewater, Chesterfield and Shrewsbury: in the last case the tolls were to be levied from Welshmen, and at the two former places it was taken by private persons; the Beverley charters contain grants to the burgesses of the tolls of the markets and fairs at a rent of eight marks a year, but reserving to the Canons the tolls of three fairs: and the Preston charter contains a grant to the burgesses of the toll of the whole wapentake of Amounderness, and the Nottingham and Derby charters grant to the burgesses of those two boroughs the tolls over certain specified districts in their neighbourhoods: two schedules of tolls appear in our documents and there is a long schedule of tolls at Newcastle-on-Tyne, which is printed with the Laws in all our authorities.

Penalties were inflicted for the evasion of toll, and it is remarkable that the same scale of penalties was applicable in two boroughs so far apart as Okehampton and Pontefract: the prohibition of persons going out of the straight ways of the city of Chichester with a view of evading toll remind us of the tolls for entrance and departure which, according to Domesday Book², were charged at Torksey; possibly the toll which would be thus evaded is that which under the name of "passage" appears so frequently in our documents and is still levied under the name of "through toll" on all merchandise passing through Newcastle-on-Tyne³. Many charters contain provisions for securing

¹ *Domesday Boroughs*, 98.

² I 337 a 1.

³ Webb, *English Local Government* III 702.

free access to markets and fairs, and free and uninterrupted navigation of the Trent, the Derwent, the Severn, the Thames and the Boyne, were secured by charters to Nottingham, Derby, Gloucester, London, and Drogheda respectively.

Our charters deal with the question of tolls from two points of view; on the one hand we have the King and the owner of the market who were entitled to the tolls and were therefore interested in securing from them the largest possible income: on the other hand we have the burgesses who wandered from town to town for the purpose of trade, and were therefore interested in securing exemption from them. For this purpose they secured the insertion in their charters of clauses exempting them from this payment, clauses which varied immensely; sometimes the exemption was only partial; the burgesses of Beverley could claim exemption only in Yorkshire, and those of Truro, in Cornwall only; those of Okehampton were exempt only in Devonshire, and the burgesses of Pontefract obtained exemption from toll only within the lands of Richard de Lacy within the castleries of Pontefract and Clitheroe. With two exceptions, these partial exemptions were contained in seignorial charters, for it is obvious that no one but the king could grant exemption from tolls throughout the land; the two exceptions are in the charter of Henry II ratifying the liberties granted by the Archbishops of York to the burgesses of Beverley, and the charter of John whereby he exempted the burgesses of Cardigan from payment of tolls for a period of four years from his coronation. Most of the royal charters purported to exempt the burgesses from payment of toll "throughout all my land and dominion and the ports of the sea," but the burgesses of Bristol had exemption throughout England, Normandy and Wales, and those of York in England, Normandy, Anjou, Aquitaine and Poitou. John oftens qualifies his grants by limiting them "as far as pertains to us," and frequently adds a clause preserving the rights of the city of London.

The dues to which this exemption applied were many and various: theloneum (spelt in many ways) appears in most cases; passage, lastage, pontage and stallage are mentioned almost as frequently: rivagium appears at Hastings, Romney, Lydd and Rye, and chaigium (kayagium) at Rye and Dublin: leue (levy) and ewagium (aquagium) are found in one of the Dunwich charters, and pedagium and paagium at Portsmouth and Marlborough, and in the latter charter pesagium is added to the list. Among other exemptions the men of Hythe were declared to be "locofri," a term which in other places is extended to "lovecopfree"; for the reasons given in the Addenda, I believe

that the "lovecop" was the right of one's lord or fellow burgesses to share in his bargains.

It will be noticed that in some cases, this exemption was confined to members of the merchant guild, a distinction, which within our period probably made little or no difference.

To secure these exemptions, some charters contained clauses permitting retaliation or reprisals: but these retaliation clauses must be carefully distinguished from the clauses permitting distraint. The latter clauses permitted the aggrieved burgesses to distrain on their debtors; the former authorised the reeve of the borough or the sheriff of the county or sometimes both these officials to secure redress by taking possession of the goods of merchants coming from the town where the toll was illegally taken: only two charters authorised the burgesses themselves to retaliate, the first London charter, and that to Colchester. Another method of securing this exemption was to be found in the Lincoln and Ipswich charters of 1200, which state that the party taking tolls illegally from the burgesses of these boroughs was liable to a penalty, payable, at Ipswich, to the King.

B. Guilds and Trading

The few clauses that forbid extra-urban commerce have already been discussed, as, although such clauses were a benefit to the burgesses, yet their primary object was to facilitate the collection of tolls as is shown by the writ of Henry II to the sheriffs and ministers of Lincolnshire (p. 168). We now pass to those clauses which were inserted in the various charters with the object of benefiting the burgesses. First, we find a number of clauses conferring on them the right to form a merchant guild—a guild of all the traders within a borough with power to make regulations concerning that trade. This institution has been examined by Dr Gross in his well-known book on the Gild Merchant, a book to which my indebtedness is very inadequately shown by the references in the list of sources, and nothing can be added to what he has said, except that the publication of the Pembroke charter of Henry II shows that that borough must be added to his list of towns possessing a merchant guild. I can find only four charters of this period relating to craft guilds, of which two relate to the Weavers of London, one to the Weavers of York, and one to the Cordwainers of Oxford¹. Then we have a few clauses expressly

¹ The documents relating to the London Cnihtenegild have been printed along with the other documents relating to the London sokens (pp. 126—9).

conferring on the brethren of the merchant guild the monopoly of trading within the borough, and a few other clauses conferring a similar monopoly on the burgesses at large, but it is to be noticed that, except at Bristol and Dublin, there were no merchant guilds in the boroughs where this monopoly was conferred on the burgesses, at the time when the charters were granted. Thus, the laws of Newcastle-on-Tyne forbid any merchant who was not a burgess from buying wool or leather or cloth within the borough, and it was not till 1216 that a merchant guild was established in the borough; the burgesses of Swansea obtained this monopoly in the reign of Henry II, but it was not till 1655 that that borough was invested with a merchant guild. In Scotland, the monopoly of trading within the counties of Perth and Aberdeen was secured to the members of the merchant guild of the boroughs of Perth and Aberdeen, but, at Inverness, this monopoly was secured to the burgesses at large. In England the burgess monopoly was usually confined to sales and purchases of wool, cloth, hides and leather, while the monopoly of the guild was general. Closely associated with the monopoly of trade by the burgesses were the regulations relating to the sojourn and privileges of foreign merchants within the boroughs: at Bristol, Dublin and Kilkenny the sojourn of a foreign merchant was limited to 40 days, and this limit was also imposed by the London custumal: at Newcastle and Wearmouth, the burgesses were permitted to buy what they wished from ships touching at the port, and at these two places, and also at Pontefract and Leeds, they were permitted to export corn: it would seem that, as a general rule, the export of corn was forbidden, as in 1177 Hildebrand of Cambridge and thirteen others were amerced for carrying corn by water without the consent of the Justices¹.

At Bristol and Lostwithiel the burgesses alone had the right to keep inns in the borough, and the Bristol rule was followed by Dublin and some other Irish boroughs; but here again we find the Scottish habit of pushing English rules to extremities: for the charters of Perth and Aberdeen give to the burgesses of those two boroughs the monopoly of keeping inns within those counties respectively, except in cases where the lord of the vill was a knight; the prohibition was still more stringent at Inverness, where no inn was allowed outside of the borough unless the lord of the vill was a knight and was actually resident.

Although there are only four charters of our period relating to

¹ Pipe Roll, 23 Hen. II, 183.

craft guilds, yet it is noteworthy that the earliest Pipe Roll, that of 30 Henry I, records payments from the guilds of the Weavers of Huntingdon, Lincoln, London, Oxford and Winchester, from the Corvesars of Oxford, and the Fullers of Winchester: but the same Pipe Roll mentions only one merchant guild, which, unlike the craft guilds, did not pay an annual rent to the King: in fact this guild would not have been mentioned but for the casual payment by Thomas the son of Ulviet that he might be Alderman of the merchant guild of York. On this roll, too, appears a payment of 20 marks from the "Chepe-mansela" of Winchester: in the roll for 1172 the latter term is spelt "Chapmanneshalla," showing that it was a hall in which the Chapmen or merchants met; the Winchester survey of 1103-15 mentions two halls in that city¹. Burford, Leicester and Beverley are the only other boroughs whose merchant guilds are mentioned before the death of Henry I, although the guild of Chichester is said by Stephen's charter to have exercised its privileges in the days of Roger Montgomery who died in 1094, and the Lewes guild is said to have existed in the days of William of Warrenne who died in 1088: the Leicester guild was said to have existed in the reign of the Conqueror.

Two new craft guilds appeared in the Pipe Roll for 1155, the Bakers of London, and the Weavers of Nottingham. The craft guilds often paid considerable sums to the Crown for the renewal of their privileges: in 1130 the Corvesars of Oxford accounted for five ounces of gold that their guild might be restored to them² and the Fullers of Winchester accounted for one mark of gold that they should not be made outlaws³; in 1166 the Weavers of that city owed a mark of gold to have their customs and liberties and the right of electing their alderman: and for this, their annual payment was increased to two marks of gold⁴. In 1180 mention is made of the payment of two marks from the guilds of Glovers and Corvesars of York for dues which they had illegally exacted, and of 20s. from the guild of Saddlers for the same reason⁵; and in the same year a raid was made on the unlicensed guilds of the south-western shires: the citizens of Exeter paid £40 for a fine in a plea concerning their guilds, a payment which is explained by the fine of five marks inflicted on the burgesses of Totnes for a guild without warrant, and three fines of five, five and three marks inflicted respectively on three men of Lidford for guilds without warrant in the same town. The boroughs

¹ *V.C.H. Hants*, i 528. ² Pipe Roll, 30 Hen. I, p. 5. ³ *Id.* 37.

⁴ Pipe Roll, 12 Hen. II, 104.

⁵ Pipe Roll, 26 Hen. II, 71.

of Barnstaple, Wareham, Dorchester and Bridport and the burgesses of Bodmin, Launceston and Ilchester also paid fines for unlicensed guilds¹ and fines for this offence were obtained from Axbridge and Langport which were not styled boroughs. But it was in London that the Justices made their greatest raid on unlicensed guilds: many references have been made to the Adulterine guilds of London, and the heavy fines inflicted on them; but it should be remembered that as late as 1190, these fines, amounting to £120, were unpaid; of these 19 guilds, four were craft guilds, the Pepperers, the Goldsmiths, the Butchers, and the Clothiers, five were guilds "de ponte," one took its name from a saint, "the guild of St Lazarus," one took its name from a district, the guild of Haliwell, one was the guild of strangers (peregrinorum) and seven were known only by the name of their alderman: an alderman was the head of each guild, and it will be remembered that the heads of the merchant guilds at Wallingford and York were called aldermen.

The Pipe Rolls occasionally record payments for licenses to establish guilds: thus in 1176 the men of Andover accounted for ten marks to have the same liberties in their guild as the men of Wilton and Salisbury had in their guilds².

VI. *The Finances of the Borough*

In the same way as we considered the borough markets and tolls from two points of view—from the point of view of the owner of the market who derived an income from the tolls, and from that of the burgess and merchant who paid these tolls—so there are two questions to which an answer must be given in dealing with the finances of the borough: from what sources was this income derived, and how was it accounted for?

And first, as to the sources of the borough income: eight years ago I collated what Domesday Book had to say about the sources of the income which the King derived from the boroughs, and found that there were at least seven of such sources—the Gablum, or rents of the burgages, the Geld, the Market Tolls, Payments from the minters, Payments in kind, Payments in lieu of military and other service, and Amends and Forfeitures or the profits of justices³. Our charters refer to some of these.

In dealing with the burgages, we have already referred to the gablum; but again it is necessary to remind ourselves that it was not

¹ *Id.* 95, 96, 109, 110.

² Pipe Roll, 22 Hen. II, 193.

³ *Domesday Boroughs*, 63, 94.

from every house in a county borough that the King derived gablum : many houses paid rent to rural manors ; and the grant by Henry II to the men of Wallingford of the annual gablum which they were wont to pay to him from the borough, to wit, "that which pertains to me in the borough," reminds us that according to Domesday Book (I, 56*a*) there were very many houses in that borough which paid rent to different manors in Berks and Oxfordshire¹ : in 1208—9 the reeve of Brightwell accounted to the Bishop of Winchester for the burgages of Wallingford².

Danegeld is mentioned in five only of our charters : in 1131 Henry I freed the Londoners from this tax, but this exemption was omitted from the charter of his grandson, who, however, granted exemptions from the tax to Wallingford in 1156, and to Maldon in 1171 ; but as the Danegeld ceased to be levied about the middle of this reign, the omission of this exemption in his later charters was probably no hardship on the burgesses. It is, however, astonishing to find that in two different charters, John granted to the men of Dunwich exemption from this tax ; but the Dunwich charters were rather archaic. The markets and tolls and the profits of justice have already been considered ; but our documents mention no payments from the minters nor any payments in lieu of services. From only two boroughs do our documents mention payments in kind : the Shrewsbury charters of 1189 and 1205 provide for the payment of 10 marks in lieu of two fugatores or catzur or hunting dogs which formed part of the ancient firma burgi : Domesday Book records that part of the rent of Dunwich consisted of 60,000 herrings ; the charter of 1205 reserves 24,000 herrings.

There is, however, one source of income which is omitted from the preceding list, because, in its possession of a mill, a borough differed in no way from an ordinary village³. But the earliest borough accounts that have been preserved show that the mill and lord's oven were important sources of income.

Another source of income mentioned in the charters was the prise, the right of the King or the lord to take two casks of wine from every ship-load of wine imported : this is referred to in the Dublin

¹ *Domesday Boroughs*, 27.

² *Pipe Roll of Bishopric of Winchester*, 1208—9, p. 13 : cf. D. B. I 56*a* 2.

³ Omitting those boroughs which were situate on and assessed with rural manors, Domesday Book records mills at Arundel, Cambridge, Chichester, Derby, Dover, Hertford, Huntingdon, Leicester, Nottingham, Oxford, Stamford, Thetford and York.

charter of 1192, although the word "prise" is not used in this connection, and it is remarkable that the language specifying the method in which these two casks are to be selected is almost exactly the same as the language in the charter of John to Rouen in 1199¹, and I know of no other clause in any of our charters which is in such close agreement with the corresponding clause in a continental charter.

The writ of Henry II specifying the rights of the monks of Christ Church in their port and borough of Sandwich, as they had been ascertained (*recognitae*) by a jury composed of twelve men of Dover and twelve of Sandwich, may be profitably compared with Cnut's charter².

Such, then, being the sources of the income of the borough, how was it accounted for?

Domesday Book shows that the usual practice in 1086 was that the sheriff of the county or his officer collected all the King's income arising within a borough and accounted for it; but already the practice of farming the counties had come into existence, and we find the sheriff accounting for a fixed sum, which was called his farm, and appropriating any surplus that he received. The various boroughs that had passed into the hands of lords and bishops were apparently treated in the same way by the officers of these lords and bishops. At Warwick the farm of the shire and the borough was stated in one lump sum, but usually the value of the borough was stated separately from that of the shire. Sometimes the sheriff leased the borough to speculators who paid him a fixed rent and made what profit they could: Canterbury, Rochester, Colchester, Reading, Ipswich and Stamford were thus farmed out by the sheriff, but the lessee of Ipswich made a bad bargain, for though he agreed to pay £40 a year, he found the rent was too high and it was afterwards reduced to £37³.

Even in 1086, one borough—Northampton—was farmed by burgesses, but the want of a definite article in the Latin language renders it uncertain whether the whole body of burgesses was responsible for the rent, or only a select few.

When once the farm of a borough had been fixed, men were found who would pay *gersumae* or premiums for the lease, which would be

¹ *Cal. Documents preserved in France*, p. 36.

² Kemble, *Codex Diplomaticus*, no. 737.

³ *Domesday Boroughs*, 92.

granted to the highest bidder : thus Bishop Walchelin paid a gersuma of 100s. to the sheriff of Essex for the privilege of farming the borough of Colchester¹. And these speculators purchased the position of borough reeve in the same way as the sheriff purchased his shrievalty.

The Pipe Rolls show that the system of Domesday Book continued throughout the twelfth century : speculators were found who would give gersumae or premiums, or would promise an increment on the traditional rent, for the purpose of farming the boroughs : the earliest Pipe Roll, that of 1130, shows that Fulchered fitz Walter promised a premium of 130 marks for the post of sheriff of London, and the Pipe Roll of 1157 shows Stigand paying a rent of about £144 for the city of Winchester, while the sheriff of Hampshire was allowed a deduction of £80 because he no longer held the city ; in other words, Stigand paid an increment of £64². But during this century the burgesses, generally, made efforts to acquire the right of farming their own boroughs ; to do this, they would have to bid against speculators, as is foreseen in the Pontefract charter which provides that when the borough official—the pretor—presented his account at the end of his year of office, the lord should not lease the borough to any outsider if a burgess would pay the same rent as he offered : and there is an instance of a considerable payment being made to the King by burgesses that an unpopular man should not farm their borough : in 1163 the men of Derby paid 40 marks that William Asturcarius should not have the borough. Under these circumstances, it is uncertain whether any person who is recorded in the Pipe Rolls as accounting for the farm of any borough was a speculator or an official or representative of the borough : other evidence must be sought on this point.

The payments for the firma burgi of Lincoln are an example of this uncertainty ; the Pipe Rolls of 1156 and 1157 record that the citizens accounted for £180 as farm of the city : in 1162 and 1163 the sheriff accounted for the same sum : in 1164 the account was rendered by two men whose names were given ; in 1165 by two reeves, in 1166—9 by one person whose name is given, and from 1172 onwards by one or two reeves. But our collection contains a notification by Henry II (1155—8) that he had delivered the city to the citizens at the accustomed farm, and thus we see that the men who accounted for the farm in 1164 and 1166—9 were the representatives of the

¹ D. B. II 107 b.

² Pipe Roll, 3 Hen. II, pp. 52, 54.

citizens¹. But these rolls throw further light on the farm of Lincoln, and show that the sheriff was allowed a deduction of £140 from the farm of the county because he no longer received the income from the city, while the citizens paid £180, and thus for the privilege of farming their city and incidentally excluding the sheriff from all interference in their ordinary financial affairs, the citizens were willing to pay an increment of £40.

The financial transactions of the burgesses of Andover afford good examples of this willingness on the part of the burgesses to pay an increment so as to exclude the sheriff from the borough: the old rent for the manor and hundred is stated to have been £80 a year; in 1201 King John granted the vill to the burgesses at the ancient farm and an increment of £15 "so long as they served him faithfully and paid their rent." Four years later he granted them the fee farm (*i.e.* a lease in perpetuity) for a further increment of £10, making a total rent of £105 a year: but in this they overbid themselves, and in 1213 the rent was reduced to £100 a year.

It should be noticed that while sect. 25 of Magna Charta forbade increases of the ancient farms of shires and wapentakes and hundreds, no mention was made of the farms of cities and boroughs, which therefore by implication were allowed to be increased.

Like the speculators, the burgesses were willing to pay large sums as *gersumae* or premiums for the privilege of farming their boroughs: the Pipe Rolls record many such payments, *e.g.* Bridgenorth (1169) 20 marks of silver, (1175) 30 marks and two fugatores: Shrewsbury (1169) two marks of gold, (1175) 100 marks of silver and four chascurs: Cambridge (1189) 100 marks of silver and one of gold: Bedford (1189) 30 marks of silver. The Hereford charter of 1189 shows that the burgesses then paid 40 marks for the privilege of farming their city. The clauses granting the various boroughs at farm differ considerably in their wording, but practically are very similar and require little notice in that respect, but one or two clauses require particular notice: in 1172 Henry II gave the city of Dublin to the men of Bristol for their dwelling; but this grant does not appear to have given them any political or financial superiority in Dublin: another charter that requires notice is that of King John in 1199 by which he granted to the burgesses of Southampton the vill of

¹ The Pipe Roll of 1130 records that the burgesses of Lincoln accounted for 200 marks of silver and four marks of gold, that they might hold their city in chief of the King.

Southampton with the port of Portsmouth: but two years later he regranted his brother's charter retaining the borough of Portsmouth in his own hands. The existence of these two charters in favour of Southampton and Portsmouth gave rise to misunderstandings and disputes: as Miss Aubrey remarks¹, the inhabitants of Portsmouth attempted to assert the independence of the town by holding pleas, executing attachments etc. among themselves, and keeping the profits. Hence arose disputes for the settlement of which a compromise was made in 1239; to quote Miss Aubrey again: "The burgesses of Portsmouth agreed to give up their claim to customs and pleas within the port of Portsmouth on condition that Southampton gave up its claim to the same outside the limits of the port. It was also arranged that profits made in the town and waters of the port should be divided equally between the two towns, and that each should have a bailiff to collect their dues, and divide them fairly. Also that a distinction should be made between the pleas of the crown arising in the *port* and in the *town* of Portsmouth: the bailiff of Southampton was to present to the King's justices those of the port, and the bailiff of Portsmouth, those of the town²."

The grant of the *firma burgi* merely authorised the grantees, whether speculators or burgesses, to collect the ordinary Royal income arising within the borough from one or another of the sources which we have already mentioned: it did not put them in the position of lords of the borough, intermediate between the King and the individual burgage holders: the soil of the borough did not pass with the grant of the *firma burgi*, as is shown by the special grant of certain escheats at Newcastle-on-Tyne, which would have been unnecessary if the soil had passed with the grant of the *firma burgi*. And for a similar reason, the waste or vacant places in Bristol were granted to the burgesses. The Pipe Rolls help us in this matter also: for in them we have frequent records of receipts from escheats and purprestures (encroachments) in boroughs which were let at farm: thus, in 1189, the reeve of Lincoln accounted for 5s. 7d. from divers escheats in the city, and the burgesses of Cambridge accounted for 4s. 2d. for divers small matters and purprestures in that borough. The only English charter which expressly grants certain dues to the burgesses to enable

¹ Speed's *History of Southampton*, 152 n. : South. Record Society.

² It will be noticed that, without any express powers in their charter, as soon as their town was recognised as a borough, the burgesses began to hear pleas, and make attachments and inflict amercements.

them to make up their farm (*ad perficiendam firmam*) was that of Colchester, by which Richard I granted to the burgesses "the customs of the water and shores on each bank." In Scotland, however, the burgesses of Inverness and Ayr received grants of lands within certain boundaries, but the Ayr charter provides that the burgesses might bring this land into cultivation, and that each might have six acres when they had cleared the land of bush (*quas de boscho extirpaverint*). It is interesting to note that during our period, there was only one seignorial charter granting a borough at farm to its burgesses; Count Conan (1137—45) granted Richmond to the burgesses at £29 a year.

Although most of these rents were payable at the Exchequer, in one or two instalments, yet the burgesses of Appleby paid their rent to the sheriff of Westmorland, those of Scarborough to the constable of Scarborough castle, and those of Oxford to the sheriff of Oxfordshire.

In the time of Domesday Book, the earl of the shire in which a borough was situate was, as a general rule, to which there were many exceptions, entitled to the third penny of the income of that borough: and in our collection we have the two charters by which Odo, Bishop of Bayeux and Earl of Kent, gave his shares in the boroughs of Sandwich and Fordwich respectively to the monasteries of Christ Church and St Augustine at Canterbury. And we have added to these the clauses from the charters of Henry II and Richard I, by which these kings gave to the newly created Earls of Hereford and Norfolk the third penny of Hereford and Norwich. The Pipe Rolls repeatedly speak of the third penny of Ipswich which was paid to the honour of Count Conan¹: the third penny of Cambridge, amounting to £10, had been granted to David, King of Scotland and Earl of Huntingdon; and eventually £8. 10s. of this sum became payable to Barnwell Priory².

We have not yet exhausted the sources of the Royal income arising from the boroughs: the Pipe Rolls show that far more valuable than the farms derived from them were the aids, assises and tallages which the King levied from time to time. Our charters refer to these occasional receipts very rarely, and these references are found only in seignorial charters: the Egremont charter declares that the burgesses were liable only for the three feudal aids, for the ransom of

¹ Pipe Roll, 18 Hen. II, p. 5 etc.

² Cooper, *Annals of Cambridge* 1 38.

the lord, for the knighthood of his son, and for the marriage of his daughter: the Leeds charter provided that when the King levied an aid from his own burgesses, the burgesses of Leeds, although they held of a mesne lord, should pay a reasonable aid to the King: while the Walsall charter reserved to the lord the right to impose a tallage on his burgesses when the King tallaged his burgesses. The boroughs of which the income was paid to mesne lords were exempt from these Royal aids: Chester, Warwick, Leicester, Beverley, Lynn, Wells, Bath and Hedon, for instance never paid aid or gift to the King. And the boroughs of which the income was paid to the King were liable to these dues only when the King tallaged or imposed aids on his demesnes. Sometimes, we find, as in the Pipe Roll for 2 Hen. II, that some boroughs, *e.g.* Ipswich, paid an assise and an aid in the same year, while others, *e.g.* Worcester, paid an aid and a gift: but practically all three terms appear to have been interchangeable, and no attempt is made in these pages to draw any distinction between them. But in later years, the Londoners attempted to distinguish between a tallage and an aid¹.

Aids or gifts were paid in 1130, 1156, 1159, 1162, 1165, 1168—9, 1173—4, and 1177—8: those of 1156 and 1162 were levied from the boroughs at the same time as the Danegeld was levied in the shires: the aid of 1165 was raised for the support of the army in Wales and was levied only from the boroughs in the eastern half of England: although nothing is said on the point, it is possible that the other boroughs were exempt because they sent soldiers to serve in the army. The records of the earlier aids state merely the sums received from each borough, but the records of the aid for the marriage of the King's daughter, levied in the 14th and 15th years of his reign, 1168—9, throw considerable light on the manner in which they were raised. Although there was a fixed rate of payment from those who held by knight service, one mark from each knight's fee, yet there was no fixed basis for the aids raised from the boroughs or the King's demesnes. The commissioners seem to have gone into a borough and assessed its inhabitants individually according to their view of what they could bear; thus the Hertford record is as follows:

"The burgesses of Hertford account for £18. 10s. for the aid of the King's daughter, to wit. Wiger, 100s. Henry the reeve 8 marks. Acur, 100s. Hugo 20s. Synod 10s. Edwin $\frac{1}{2}$ mark. Walter $\frac{1}{2}$ mark. Hreman $\frac{1}{2}$ mark. Remigius $\frac{1}{2}$ mark. Warin $\frac{1}{2}$ mark. In the treasury

¹ *Studies supplemental to Stubbs*, 100.

£10. 6s. 8d. and there is owing £8. 3s. 4d., to wit, from Wiger 50s., Acur 50s., Henry the reeve 4 marks, and Hugo 10s.¹

The London record differs from that of Hertford : "the same sheriffs account for £617. 16s. 8d. of the aid of the City for the marriage of the King's daughter, which by the consideration of the Barons is assessed by the writ delivered by the sheriffs into the Treasury, because the particulars of the same aid cannot be contained on one roll²."

Similarly "Richard de Luci accounts for £32 of the aid of the borough of Colchester, which is assessed (*summatur*) by the writ of the Archdeacon of Poitou and the Dean of Waltham, which is in the treasury and contains the debts of the individuals³."

Hence it appears that this aid was raised not by the assessment of a sum on the whole body of burgesses, but by the sum of the assessments on the individual burgesses, in the same way as the income tax is levied today. It was however possible for the taxpayers to re-adjust the assessment : for "the men of Horncastle" (which was not styled a borough) "account for £29. 13s. 4d. for the aid of the same town, which they assessed among themselves by the grant of the justices in a different manner (*aliter quam*) from the justices⁴."

Occasionally the smaller sums are not entered in detail, but a sum is recorded as being due from the "minuti homines" or the "ceteri homines," and at Oxford a distinction is drawn between the burgesses, who were assessed at £40, and the "minuti homines" who were assessed at £10⁵. Again, at Bedford, which however is not called a borough in spite of the charter of 1166, the sheriff accounted for 20 marks from 30 named men (*hominibus nominatis*) in the vill of Bedford, and for five marks from the commune of the same town⁶ : and at Congresbury, which also is not styled a borough, while the list of those who had paid terminates with the phrase "the other little men" (*ceteri minuti homines*), the list of those who were still in arrear closes with "the other men of the commune⁷." The mention of debts due on account of this aid from the townships (*villatae*) of Dunwich and Ipswich might be thought to imply joint liability on the part of the inhabitants, but in the following year, the balances are paid by "burgesses." It is noteworthy that in neither of the rolls relating to this aid is the term "burgus" applied to any town in

¹ Pipe Roll, 14 Hen. II, p. 40.

² *Id.* pp. 3, 4.

³ *Id.* p. 48.

⁴ *Id.* p. 66.

⁵ Pipe Roll, 15 Hen. II, p. 85.

⁶ *Id.* p. 90.

⁷ Pipe Roll, 14 Hen. II, p. 148.

Cornwall, Devon, Dorset, Somerset or Wiltshire, although Exeter is called a city.

For the next aid, that of the 19th and 20th years (1173—4), the country was visited by six separate sets of commissioners, and for the aid of the 23rd year (1177) there were four sets of commissioners, but in neither case were these commissioners the same body as heard the pleas of the shire: if four commissioners went on a circuit one of them was concerned with the assessment only, and one or two of the others with pleas only. Thus, in 1177, while Robert Mansell sat in the six shires of Norfolk, Suffolk, Essex, Hertford, Cambridge and Huntingdon along with Walter fitz Robert and Hugh de Cressi to hear pleas, he assessed the aid on the boroughs and vills in conjunction with Ralph Brito. Similarly, in the six midland shires of Warwick, Leicester, Notts, Derby, Northants and Lincoln, Hugh de Gundevill sat with William Basset and William fitz Ralph to hear pleas, but in the assessment of the aid on the boroughs and vills the two latter were assisted by Michael Belet.

The *Dialogus de Scaccario*¹ mentions two ways in which the aids or gifts were assessed on the boroughs: either the justices assessed the individual burgesses, as we have seen was done in 1168—9, or the burgesses themselves offered a certain sum, and if this offer was accepted by the commissioners, they assessed themselves in such a manner as to raise the amount. (The Horncastle case, mentioned above, must not be mistaken for a case of voluntary assessment; for there the assessment was “*aliter quam iusticii*,” otherwise than the justices, that is, the total amount of the assessment made by the justices was divided among the townsfolk in a different manner from that in which the justices had assessed it.) In the first case, each burgess was liable for the amount assessed upon him and until payment the sheriff might retain possession or receive the rents of his property in the borough: in the second case the whole body of burgesses was liable for the whole amount, and if any burgess could not pay his share, the others had to pay it for him. As the editors remark, “The common liability of the town is always the result of its own act, and not that of the government.”²

Two passages from the Pipe Roll of 1 Ric. I may be quoted as examples of these two modes of assessment: the burgesses of Dunwich owe 100 marks as a gift promised in common by themselves³: the citizens of Lincoln owe £176. 4s. as a gift assessed (*facto*) by the

¹ II xii c.

² p. 231.

³ p. 47.

justices on the individual burgesses (*per singulos homines*)¹. And the use of gift in both these passages forbids the attempt to draw any distinction between an "aid" and a "gift," by saying that the former was assessed by the justices, while the latter was a voluntary offering to escape the assessment.

Finally, a few examples will show the want of proportion between the sums paid from the various boroughs by way of gift or aid :

	London			Lincoln			Norwich			Hereford			Winchester			York		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1130	120	0	0	60	0	0	28	0	0				80	0	0	40	0	0
1156	120	0	0	60	0	0	66	13	4	16	13	4				40	0	0
1159	1043	0	0	133	13	4	414	13	4	33	6	8	113	13	4	133	6	8
1162	666	13	4	200	0	0	200	0	0	13	6	8	25	0	0	160	0	0
1165	333	6	8	133	6	8							40	0	0	200	0	0
1168-9	617	16	8	233	6	8	200	0	0	20	0	0	109	2	0	333	6	8
1173-4	666	13	4	266	13	4	133	6	8	10	0	0	56	13	4			
1177-8	666	13	4	100	0	0	66	13	4	26	13	4				133	6	8

The aids and gifts were not the only sources of income arising from the boroughs which were not included in the *firma burgi*; like the shires and the hundreds, the boroughs were liable to be fined for offences: we have already noticed the exemption of certain boroughs from the murder fine, and that in 1180 fines were imposed on many boroughs for unlicensed guilds: in 1170 the borough of Warwick was fined five marks for concealing a plea, and that part of Tamworth which was in Warwickshire was fined half a mark for the same offence; in 1180 the burgesses of Chichester were fined ten marks for a false measure, and the men of Arundel 40s. for the like, while the township of Seaford was fined ten marks for removing the market place from the sea shore where it was wont to be²: and in 1177 the burgesses of Oxford were fined 100 marks for dragging to the gallows a man who ought to have been hanged³.

Mention has already been made of the payments from the boroughs for the privilege of farming their boroughs, but these were not their only voluntary payments: for new charters and for the renewal of their privileges they were willing to pay even larger sums: in 1166 the burgesses of Bedford offered 40 marks for a Royal charter that they might have the same liberties as the burgesses of Oxford⁴, and in 1180 the burgesses of Leicester accounted for 80 marks that they might be quit of murders and common pleas that Eyre⁵: in 1202 the

¹ p. 69. ² Pipe Roll, 26 Hen. II, p. 31. ³ Pipe Roll, 23 Hen. II, p. 13.

⁴ Pipe Roll, 13 Hen. II, p. 107. ⁵ Pipe Roll, 26 Hen. II, p. 101.

citizens of London paid 40 marks that the Weavers' guild might be destroyed and never again revived¹.

In fact, while Henry II showed how easily money could be raised by the sale of privileges to the boroughs, his sons improved on his example, and exacted substantial sums for the grant of new or the re-issue of old charters; Madox² notes the following charges for charters from the Pipe Roll of the first year of John's reign.

London	3000 marks.	Beverley	500 marks.
Lincoln	300 marks.	York	50 marks.
Cambridge	250 marks.	Scarborough	40 marks.
Oxford	200 marks.	Dunwich	100 marks.

And, in the same year, Dunwich paid an additional sum of 200 marks and five thousand eels for the privilege of wreck and lagan.

John, however, knew that a promise was a different matter from a payment; it will be remembered that fines amounting to £120 were imposed on the unlicensed guilds in 1180 and were still unpaid in 1190: and therefore, according to the Pipe Roll, the charter for which the Londoners were charged 3000 marks was delivered to Geoffrey fitz Peter, the Chief Justice, "so that if they are willing to pay these 3000 marks, they shall have their charter, but if not, they shall not have it."

The entries on the Pipe Rolls show charges for charters which are not now in existence: thus in 1210, the men of Wareham accounted for 100 marks for a charter from the King granting the borough of Wareham with its appurtenances to them and their heirs in fee farm at £20 per annum to be paid at the Exchequer by their own hands at Michaelmas³. In the previous year, the burgesses of Shoreham had accounted for 30 marks, that they might have their town at farm as long as the King pleased, with that liberty which the town was wont to enjoy; and for having their ferry (*passagium*) during the King's pleasure; and that they should be quit of the maltolt, provided that no horse of greater value than three marks nor any dog nor any unknown messenger nor any burgess or merchant shall have passage there without the King's writ or unless he swear that he carries no message except for the honour of the King⁴.

¹ Madox, *Hist. Exchequer*, 279.

² *Id.* 275—6.

³ *Id.* 283.

⁴ *Id.* 283. I have translated "*passagium*" as ferry in this extract, because there was an important ferry over the Adur at Shoreham: but usually the word implies the toll for passing through a district, which in one document is called "through-toll."

Other payments were made for liberty to trade : thus in 1203 the men of Worcester, Bedford, Norwich, Huntingdon, Northampton, Nottingham, Newcastle-on-Tyne, Lincoln, Berkhamstead and Chesterfield, and the burgesses of Gloucester paid various sums for liberty to buy and sell dyed cloth as they were wont in the time of King Henry¹.

VII. *The Borough Officers*

Our documents speak of many officers in the boroughs ; the Londoners at different times were authorised to elect sheriffs, a justiciar and a mayor : other boroughs appointed bailiffs, reeves and coroners ; Bradninch had a "preco," a town crier, and Tewkesbury had catchpolls.

Domesday Book mentions an official called the "prepositus," who was responsible to the sheriff for the income arising from the borough, in the same way as other persons bearing the same name were responsible for the income arising from the King's demesne manors : in the English tongue, this official was called the "gerefa," and it is by the modern form of this word—reeve—that "prepositus" is translated in these pages. Domesday Book reveals some of his duties : at Canterbury and Lewes he collected the market tolls ; at Dover, Guildford, Southwark and Wallingford he collected the money received from forfeitures, the profits of justice ; at Hereford he granted licenses for the sale of real estate, and found tenants for empty houses, and received all the King's income arising within the borough, except the three forfeitures—peacebreach, heinfare (housebreaking) and forestel (assault). And while he was usually the officer of the sheriff, at Dover and Hereford he accounted direct to the King and Earl for their shares of the borough income². We have already seen that many of these reeves were speculators, and had bought their positions from the sheriff, in the same way as the sheriff had bought his position from the King.

This close connection between the income from a borough and its reeve is the reason why, when Henry I granted to the citizens of London the right to farm Middlesex, he also conferred on them the right to "elect a sheriff of themselves, whom they would" ; and both privileges were simultaneously restored by John in 1199. (Dr Round has shown that the portreeve of London and the sheriff of Middlesex were one and the same person³.) Similarly, the right to farm the borough is coupled with the right to elect reeves in the

¹ *Id.* 324.

² *Domesday Boroughs*, 46.

³ *Geoffrey de Mandeville*, 347 etc.

charters to the burgesses of Northampton and Nottingham (1189), Lincoln and Norwich (1194), Gloucester and Ipswich (1200), Cambridge (1207) and Shrewsbury (1208).

The reason for coupling these two privileges is obvious: the burgesses must have some control over the man who collects the dues if they are to be answerable for them or a sum paid out of them; and it is not unreasonable to believe that the grant of the "*firma burgi*" always carried with it the right to appoint the reeves, whether this right had been mentioned in the charter or no. The close connection between the farm of the borough and the office of reeve is shown in the Dublin charter of 1215, by which the king granted to the citizens "the city of Dublin with the reeveship (*prepositura*) and all its other appurtenances" at fee farm: is it pressing the significance of the word "other" too far if it is suggested that the "reeveship" was usually one of the appurtenances of the borough?

On the other hand, there were a few mesne boroughs where the burgesses obtained by charter the right of electing their reeves and bailiffs, although they did not farm the borough: such reeve was called "pretor" at Pontefract.

The duties of the reeve were defined in many charters: at Nottingham, Derby, Northampton, Norwich, Ipswich and Yarmouth it was his duty to answer for the farm on behalf of the burgesses; at Okehampton, he collected the tolls, rents and amercements: but the requirement in the Northampton charter (1200) that he must discharge his office faithfully, adds little to our knowledge. The reeves of Northampton, Shrewsbury, Lincoln, Gloucester and Ipswich had to be presented to the Chief Justice at Westminster for the King's approval; and at Shrewsbury and Lincoln this presentation was made by the sheriff when he rendered his account. At Colchester alone were the burgesses authorised to elect bailiffs, but the word "bailiff" is sometimes only a synonym for reeve, as is shown by the Ipswich Domesday, a record which shows that while the charter authorised the election of reeves, the chosen persons were called bailiffs. That the reeves were supposed to be capable of high-handed dealing is shown by those charters which forbid them to implead the burgesses without accuser or witness¹, and prohibited exactions in the way of scotales and new year's gifts².

The burgesses of Northampton, Shrewsbury, Lincoln, Gloucester and Ipswich also had the right of appointing coroners whose duty was

¹ p. 248.

² p. 84.

to keep the pleas of the crown and see that the reeves treated justly both rich and poor: in the reign of Henry III, the burgesses of Colchester claimed to have the right to appoint coroners by virtue of the charter of 1189, but on referring to that charter it is found that the only officials thereby authorised were the bailiffs and justiciar, and that the duties of the justiciar were to keep the pleas of the crown and to plead the same: hence, the coroners took over some of the duties of the justiciar. In fact, there was such similarity between the justiciar and the coroners that it is worth while printing side by side the relevant clauses from the Colchester and Northampton charters.

COLCHESTER 1189

Et justitiam ad servanda placita coronae nostrae et ad placitanda eadem placita infra burgum suum.

And a justiciar to keep the pleas of our crown and to plead the same pleas within his borough.

NORTHAMPTON 1200

Volumus quod.....eligantur quattuorad custodienda placita coronae nostrae et alia quae ad nos et ad coronam nostram pertinent in eodem burgo.

We will that.....there be elected four.....to keep the pleas of our crown and other things which pertain to us and our crown in the same borough.

By his charter of 1131 Henry I gave to the citizens of London the privilege of appointing their own justiciar, but this charter was not recognised by his descendants. The only other borough with a justiciar was Coventry, whose burgesses received the right of election from Earl Ralph in 1181, and were confirmed in it by Henry II in 1186.

John's charter authorising the citizens of London to elect a Mayor was merely a confirmation of a grant made some fourteen years previously, when, as Regent for his brother, he granted them a Commune: but every student of English municipal history knows and values Dr Round's researches and the admirable summary of them in M. Petit-Dutaillis' *Studies supplemental to Stubbs*, and it is unnecessary to repeat their teaching. But, although there was only one chartered Mayor during our period, yet the Patent and Close Rolls contain writs addressed by King John to the Mayors of Bristol, Exeter, Lincoln, Lynn, Northampton, Norwich, Oxford, Winchester and York¹. There is in the University Archives a deed, dated about 1214, by which the Mayor and Commune of Oxford covenant to observe the terms of an order made by the Papal Legate.

¹ *E.H.R.* Jan. 1899, p. 99.

There is no charter of our period which speaks of a body that might afterwards develop into a Town Council, but the Domesday of Ipswich tells us that on the receipt of their charter, the burgesses elected twelve capital portmen "as there are in the other free boroughs of England¹."

Other officials found in the boroughs were the Aldermen, of whom there were two kinds: there was the Alderman who presided over a ward, such as the Alderman of the Westgate in Canterbury, whose position was hereditary and vendible: on the other hand, the chief officer of a guild was usually called an Alderman: the Pipe Roll for 1180 records the names of the Aldermen of the unlicensed guilds of London that were fined in that year; and it will be remembered that at the same time as they elected their capital portmen, the burgesses of Ipswich elected an Alderman of their merchant guild².

III. SUPPLEMENTAL ESSAYS

1. *The Essentials of the Borough*

Now that we have examined our code compiled from the clauses of all the earlier borough charters, we may perhaps consider a question which was intentionally postponed in our preliminary notes—what is a borough?

The draftsmen of these charters spoke of certain areas of land as being boroughs, and of their inhabitants as burgesses, and on these burgesses certain privileges were conferred: is it possible by an examination of our code to discover what privileges were considered as essential to the elevation of a simple village to the rank of a borough?

Many of these privileges were granted to others than burgesses: the burgesses of certain favoured boroughs were quit of toll throughout all England: so were the members and tenants of certain favoured monasteries³: the burgesses of some boroughs were exempted from suit of the shire and hundred courts: so were the tenants of certain monasteries⁴: the burgesses of certain boroughs were entitled to hold markets and fairs: but the lords of many villages had this privilege, and, at the risk of repetition, we must again remind ourselves that of the 42 markets and fairs recorded in Domesday Book, only 11 were

¹ *Gild Merchant* II 117.

³ e.g. St Edmunds. 24 *E.H.R.* 429.

² *Id.* 119.

⁴ *Eynsham Cart.* II 155.

in places that were styled boroughs¹. The burgesses of all boroughs held their houses and lands in the boroughs on a tenure known as burgage tenure of which the characteristics were (1) the payment of a money rent in lieu of all services, (2) the owner's liberty to sell and devise his property: but burgage tenure was not confined to the boroughs, and instances of burgage tenure in rural manors are not hard to find². The borough was an area which was subject to the jurisdiction of a court of its own to which all the burgesses were suitors, except in those cases where a lord was the owner of a soken within its boundaries: but, at all events in the thirteenth century, every rural manor had also a court of its own to which all its tenants were obliged to be suitors. Many boroughs were granted to their burgesses at fee farm; but many simple villages, to which the Chancery draftsmen denied the style of boroughs, were also granted to their inhabitants at fee farm. Self-government, in the right to elect their own reeves, was conferred on the burgesses of many boroughs, but the reeve of a rural manor was also elected by the homage of the court. In fact, with the exception of the right to have a merchant guild, and other similar mercantile privileges, there is scarcely any privilege which was conferred on men called burgesses which cannot be paralleled in grants to members of other communities and to inhabitants of other areas. And it was not every borough that received mercantile privileges.

That being so, we must ask whether the combination of any two or more privileges would be characteristic of a borough; and possibly the best way to answer this question would be to answer another—what did a mesne lord do when he created a borough on his land? For instance, when, in 1215, Adam, Abbot of Eynsham, created a borough in his manor of Eynsham, what did he do?

In the first place he marked out a "cultura" on each side of the Cassington Road, and cut it up into plots³, which he granted to certain persons and their heirs by hereditary right for ever, at the rent of 4s. per acre, an exorbitant rent compared with the 4d. or 6d. which was the usual rent for meadow land at this time; to these grantees he gave the right to sell their lands and devise them by will. Secondly, he gave them the right to elect a reeve from among themselves, and the further privilege that they should be amerced by their peers, that is, by those who held on a like tenure with themselves.

¹ *Domesday Boroughs*, 98.

² Pollock and Maitland, *Hist. of English Law* 1 640.

³ See the eighteenth century map in *Eynsham Cart.* 11 xli.

And in the third place he conferred on them "all other good customs which we can give according to the liberties of the burgesses of Oxford."

By conferring on the grantees of these plots their lands at a money rent with powers of sale and devise, he created burgage tenure: by authorising them to elect a reeve and sit in judgment on their peers, he separated them from the jurisdiction of the ordinary court of the manor and formed a new court for the borough, and in the accounts of the Abbey for later years, the profits of the portmote for the New Borough or New Land are regularly entered. To put the case more concisely still, the two factors which differentiated the borough from the manor were the existence of a separate court and the grant of burgage tenure to all the lands within the jurisdiction of this court. Emphasis must be laid on this latter point, for we have seen that burgage tenure is often found in rural manors side by side with other tenures. If examination be made of all the charters by which boroughs were governed, these two features, and, as far as I can see, these two features alone—the grant of burgage tenure and the creation of a borough court—were common to all the boroughs—from the most rudimentary to the most developed—from Eynsham to Lincoln or Oxford.

Eynsham has been taken as our example as being one of the most rudimentary and undeveloped on our list: as lord of the court of the manor, the Abbot had authority to order that two sessions of that court be held, the one for the tenants of the building estate, and the other for the rest of the manor: and in the same way as the latter was the lord's court for the manor, the former was the lord's court for the borough; as he was entitled to hold the view of frankpledge for his manor (subject to the payment of 8s. to the sheriff¹), there was no reason why he should not hold a separate view of frankpledge for his new borough; Henry I had exempted the land and men of the Abbot from shires and hundreds² so that the burgesses were entitled to this exemption without its being mentioned in their charter. As landlord, the Abbot could specify the terms on which he was willing to grant portions of his land, in the same way as the owner of any building estate today stipulates for the observance of building lines and the prohibition of offensive trades.

Examination shows that the separation of a piece of land from a manor was often the first step in the formation of a borough: thus

¹ *Eynsham Cart.* II 214.

² *Id.* II 155.

when Henry II founded the borough of Woodstock, he acquired from the Templars¹, the lords of one of the manors into which Hensington was divided, a piece of waste ground at the gates of Woodstock park, which he granted out in building plots²: the earliest bailiff's accounts show the existence of a borough court known as the portmote, distinct from the courts of the manor of Woodstock: the borough has never formed part of the manor of Woodstock, and the only connection between the two is that so long as the manor and the borough were in the King's hands, the accounts of both were rendered on the same parchment by the same men. Similarly, at some date between 1208 and 1277 the Bishop of Winchester separated a small area from the rest of his manor of Witney, and formed it into the borough of Witney: the borough had its distinct court, which was sometimes called the portmote, and its bailiffs were not the same persons as were the bailiffs of the manor³. The charter shows that the Abbot of Burton exercised the King's license to found a borough by granting that all who received burgages in the street which leads from the great bridge of Burton to the new bridge towards Horninglow should hold them freely and quietly⁴; the burgesses of Leek were granted common pasture in the pasture pertaining to the manor of Leek⁵, a grant which draws a distinction between borough and manor, and the map prefixed to Professor Tait's study of Medieval Manchester shows that the borough and manor of Manchester were very different areas.

But it is still further to be noticed that the separation of an area from a manor in order to form a borough can be found in Domesday Book, and that not only around "the castles and halls of the Norman grandees" as at Tutbury, Penwortham and Rhuddlan⁶: equally good examples may be found in Wessex; the borough of Twineham was geographically situate in the manor of Twineham⁷, Langport was in the manor of Somerton, and Axbridge in the manor of Cheddar⁸. But Twineham, Langport and Axbridge had all acquired burghal rank by the date of the Burghal Hidage, say by the time of Edward the Elder⁹. Hence, from the earliest times we have to account for boroughs which were artificially created, and were not village communities which had acquired a burghal status.

¹ *Plac. Abbrev.* p. 24.

² *Hundred Rolls* II 339. The earliest charter to the borough is dated 1453.

³ *Oxfordshire Arch. Society*, 1909, p. 24. No charter to the borough of Witney is known.

⁴ p. 42.

⁵ p. 62.

⁶ *Medieval Manchester*, p. 43.

⁷ D.B. I 38 b 2.

⁸ *Id.* 86 a 2.

⁹ *Domesday Book and Beyond*, 502—4.

When the Abbot of Eynsham granted to his burgesses the liberties of the burgesses of Oxford, he was wise to limit his grant to those customs "that we can give": for the burgesses of Oxford enjoyed many privileges, which, if they ever were conferred on new boroughs, could be conferred by the King alone. For instance, to the Eyre of 1285, the burgesses of Oxford came by twelve burgesses, whereas an ordinary vill would be represented by the reeve and four men¹. It is inconceivable that when the Abbot created a borough on part of his manor, he thereby imposed upon his burgesses the duty of sending twelve representatives to the Eyre: in fact, when the sheriff answered the King's writ of 1316 requiring the names of the hundreds, cities, boroughs and vills in his bailiwick, and the names of their owners, he made no mention of the borough of Eynsham or Newland, but returned the Abbot as being lord of Eynsham with Tilgarsley². Here then we have a distinction between two species of boroughs, those that were separately represented at the Eyre, and those that had no separate representation, but had not, in the eyes of the sheriff, emerged from the vill from whose jurisdiction they had been separated by their lord.

There is a well known passage in the *History of English Law*³, where the authors represent the sheriff as saying "This place is a borough because it has always been treated as such; that place is not a borough because it has never sent twelve representatives to the Eyre." And this is probably the criterion which guided the sheriffs in their returns to the writ of 1316.

Further examination of these returns, which are usually known as the "Nomina Villarum," shows that the sheriffs made no mention of many of the boroughs on our list, and merely returned the names of the vills in which they were geographically situate: thus, the sheriff of Staffordshire omitted all mention of the boroughs of Burton, Leek and Walsall, and returned merely the names of these three vills⁴, and the sheriff of Hampshire merely returned the vill of Andover⁵, although it had been recognised as a borough by Henry II. On the other hand, the sheriff of Devon stated that the boroughs of Bradninch and Bideford were separately represented in the hundreds in which they were situate, although they had not been created by the King⁶, and the sheriff of Hampshire returned the borough of Petersfield

¹ *Oxford City Documents*, 194.

² *Feudal Aids* IV 168: for the writ see I 254.

³ I 635. ⁴ *Feudal Aids* V 13, 14. ⁵ *Id.* II 311. ⁶ *Id.* 382, 374.

(another mesne creation) as being extra-hundredal¹. Bury St Edmunds, too, was regarded by the sheriff as a vill and not as a borough². These returns therefore show us two classes of boroughs, those that were extra-hundredal, and those that were entitled to separate representation in the hundred, while our charters enable us to form a third class of those whose representation was merged in the vill in which they were geographically situate.

Six years after this return, Parliament granted the King a subsidy of a tenth from the baronage and shires, and a sixth from the cities and boroughs and royal demesnes: the enrolled account of this subsidy (L.T.R. Enrolled Accounts, Subsidies 14, in P.R.O.) shows that, with few exceptions, it was levied only from those cities and boroughs that were mentioned in the Nomina Villarum. For instance, the only boroughs in Oxfordshire that paid the sixth were Oxford, Henley and Woodstock, the same that were mentioned in the *Nomina Villarum*; and the three Staffordshire boroughs of Burton, Leek and Walsall, that were omitted in the *Nomina Villarum*, did not pay the sixth. On the other hand, Petersfield is mentioned in the *Nomina Villarum* as a borough, but in the Subsidy Roll, it is omitted and Alresford inserted in its place. The *Nomina Villarum* and the Subsidy Roll alike mention 20 boroughs in Devon, but the latter substitutes Dodbrooke for Bradninch, which appears in the former. The *Nomina Villarum* does not extend to Cheshire, Cornwall or Lancashire: in the last mentioned county, only Lancaster, Preston, Wigan and Liverpool paid the sixth, and no mention is made of Manchester or Salford; presumably, therefore, the latter were not separately represented either at the Eyre or in the hundred. It will be remembered that the Pipe Rolls of Henry II show that many chartered boroughs did not pay aid to the King (p. lxxx).

That there should be two or three classes of boroughs in the twelfth and thirteenth centuries should cause us no astonishment: Edgar made two classes of boroughs by recognising that in some there should be 36 persons as witnesses to sales, while a body of twelve sufficed in other boroughs. Maitland has pointed out that the boroughs recorded in Domesday Book could be divided into two classes, some being of heterogeneous tenure and others being of homogeneous tenure: another Domesday classification might be made of those that were extra-hundredal and those that were within the bounds of one vill or another: and today we are acquainted with Parliamentary boroughs, and boroughs that for Parliamentary purposes are merged in

¹ *Id.* II 319.

² *Id.* v 42.

the counties in which they are geographically situate. The Scottish burghs were divided into Royal Burghs and Burghs of Regality and Barony, according to the person of whom they were holden; if the burgesses held of the Crown, their burghs were Royal Burghs; if they held of a mesne lord, the burghs were burghs of Regality or of Barony according to the rank of the person of whom they were held¹. When in 1316, the sheriffs were asked for a return of the boroughs within their shires, it was as natural for them to omit the boroughs that were not separately represented, as it would be for the Convener of the Royal Burghs of Scotland, if a similar return were required from him, to omit the burghs of Regality and Barony, or for the Clerk of the Crown in Chancery to omit from his return the names of the boroughs which are not represented in Parliament; but, in neither case, would the omission prove that the omitted places were not boroughs. Our charters distinctly show that certain places were popularly called boroughs to which the sheriff denied that style: from one point of view there can be no doubt but that the sheriff was right; but as we have taken the charters as our guide, we are obliged to extend our list beyond the limits that the sheriff observed.

But what would be the advantage of its charter to a borough founded by a mesne lord, say, to the burgesses of Eynsham? In the first place, their burgage tenure enabled the burgesses to dispose of their houses in the borough almost as easily as their chattels, and freed them from death duties in the shape of heriots and reliefs: then, by having a court of their own in which they were tried by their fellow townsmen, they were more favourably treated than if they, being shopkeepers, had been tried by the farmers of the neighbourhood; even today in our rural districts there is some little undercurrent of feeling between town and country, between the shopkeepers and the farmers: there was often some limitation of the amount of the fines that could be levied in the borough court, for instance, in the boroughs that received the law of Breteuil, whereas there was no such limitation on the fines imposed by the manorial court: in many places the burgesses were free of toll, not only in the market of the borough, but also throughout the possessions of the lord (p. 191). These privileges could be, and usually were, conferred by the charter of a mesne lord on his burgesses, and would make their position appreciably better than that of a socager in a rural manor, while the superiority of their position to that of a villein would be much greater.

¹ Erskine, *Institute of Law of Scotland* (1828), Bk. I, Tit. IV, sect. 20.

Every additional privilege would increase the relative advantage of the burgess and would attract settlers to the borough who would bear their share of its burdens and so lessen the burdens of the other burgesses. In fact, it might be argued that a burgess in a well-developed mesne borough, such as Tewkesbury, would be in a far better position than a burgess of one of the smaller royal and extra-hundredal boroughs, such as Chichester. The citizens of Chichester had to send twelve representatives to the Eyre, and paid one-sixth to the subsidy of 1322: while, even if the borough of Tewkesbury extended over the whole vill, its burgesses escaped by sending their reeve and four men, and by paying only one-tenth to the subsidy.

2. *The Personality of the Borough*

Another question, on which we may hope to gain information by a comparison of the various charters, is the question how and by what steps the body of burgesses began to be considered as an entity, existing separately from the individual burgesses, and clothed with some of the attributes of a person.

Domesday Book treats the borough as a piece of land, in the same category as the shire, the hundred, the manor and the vill: just as in the South-Eastern shires, we are told that certain manors defended themselves for a certain number of hides, so we read that the borough of Cambridge defended itself for a hundred¹ and the borough of Hertford for ten hides². In the same way as Earl Godwin is said to hold the manor of Singleton in demesne³, so King Edward held Lidford in demesne⁴, and the Archbishop of Canterbury held Sandwich⁵. In the same way as the manor of Benson rendered fourscore pounds and a hundred shillings⁶, so Gloucester city T.R.E. rendered £36 by tale and certain honey and iron, and "now renders £60⁷." I cannot recall any instance of the use of "burgus" in Domesday Book, otherwise than as a piece of land, often fortified, in which men dwelt and houses stood, and from which an income was derived.

On the other hand, the Domesday scribes make an important distinction between the borough and the other areas; the shire, the riding, the wapentake⁸ and the hundred⁹ were all personified to such an extent that they were represented as being able to give evidence for or against claims to land; but the borough, and in this respect it resembles the manor and the vill, is never represented as giving evidence. Nay more, there is one passage in which the scribe seems

¹ D.B. I 189 a 1.

² *Id.* 132 a 1.

³ *Id.* 23 a 1.

⁴ *Id.* 100 a 2.

⁵ *Id.* 3 a 1.

⁶ *Id.* 154 b 1.

⁷ *Id.* 162 a 1.

⁸ *Id.* 375 b 1, lines 1—11.

⁹ *Id.* 48 a 2.

to deny the personality of the borough, and the possibility of its giving evidence: on the page of claims that follows the statistics relating to Huntingdonshire, it is thrice said that "the shire bears witness" (*comitatus testatur*), but the very first line of that page reads "The men who swore in Huntingdon say that the Church of St Mary in the borough...belonged to the Church of Thorney¹." It would seem that in the eyes of the scribe, while there was an organism called the shire which could speak by the mouth of its jury, there was no similar organism which could speak by the mouth of the men who were sworn in the borough of Huntingdon.

All our charters use the word "burgus" to imply a piece of land, and our earliest charters use the word in that sense alone: when Henry I spoke of the men who incurred forfeitures within the borough of Cambridge, and forbad any barges from being loaded except in the borough of Cambridge, he was speaking of the borough as a piece of land. When his grandson granted to the burgesses of Nottingham the right of taking toll from all persons crossing the Trent as fully as in the borough of Nottingham, and when he ordered that all men living within the borough shall pay their share of the aids and tallages with the burgesses, he was speaking of the borough as a piece of land: but it is needless to multiply examples.

But in course of time, we find the word "borough" inserted in certain charters in clauses where we should expect to find the word "burgesses," and where in other charters we find that the latter word is used. A good example is in the Okehampton charter, where the burgess who sold his land paid 12*d.* to the lord, 4*d.* to the reeve, and 4*d.* to the borough (p. 66). The Whitby charter provides that the purchaser shall pay 4*d.* for his seisin, and 1*d.* to the burgesses for a drinking (p. 70). The former charter then represents the borough as an entity that received money, and both charters imply the possession of a common purse, distinct from the purses of the individual burgesses; as even in those days 1*d.* would not buy much beer.

Another example of the use of the word "burgus" where in other charters we find "burgenses" is in the Bristol charter of 1188, which provided that when the burgesses improved their dwellings, such improvement should not be to the damage of the borough and township (*sine damno burgi et villatae*) (p. 50): but when this charter was copied four years later for the citizens of Dublin, this proviso was

¹ D.B. I 208 a 1.

directed against damage to the citizens, the word "civium" being substituted for "burgi"; the imagination of the Dublin draftsman was not so vivid as that of the man who prepared the Bristol charter.

A third example of this use of "burgus" instead of "burgenses" is found in a series of charters of the early years of the thirteenth century: as far back as 1131, Henry I had spoken of the law of the city of London (p. 134); his grandson granted a number of charters in which he spoke of the custom of various cities and boroughs, and there are many Irish charters conferring on the grantees the law of Breteuil; but in none of these cases dare we say that the draftsman personified the city or borough, the city of London or the bourg of Breteuil; and it is best to interpret these charters as relating to the customs that were followed in the city of London, or the law that was observed in the bourg of Breteuil, in the same way as we interpret the phrase "firma burgi" as the rent arising from the borough. But a genitive of association easily slips into a genitive of possession, and that in its turn naturally gives way to a verb of possession and the representation of the borough as an owner. We are not therefore surprised to find a precept in the form of a Volumus clause "that the vill of Lynn shall be a free borough for ever, and shall have all the liberties and free customs which our free boroughs have" (p. 31). The latter phrase is found in John's charters to Stafford and Liverpool, while earlier examples are to be found in the charter by which William the Lion gave license to the Bishop of Glasgow (1175—7) to establish a burgh having "all the liberties and free customs which any of my burghs have," and in the charter by which Hugh de Puiset granted to the burgesses of Norham the liberties which any borough North of the Tyne and Newcastle best had. Another mode of making this or a similar grant is shown in the charter by which Henry II granted to the burgesses of Gloucester the same customs and liberties which the citizens of London and Winchester best had in the time of his grandfather. In thus speaking of the borough as having rights and liberties, the draftsman was following the precedents which had been used in grants to parish churches; and in our critical notes we have referred to the charter of Henry II granting that the church of Chesterfield should have all its liberties and free customs (p. xxx).

The charters to the burgesses of Dunwich (1200), Lynn and Stafford specify some of these liberties, for in them the King grants that the "burgus" shall have sake and soke etc. (p. 114); but in the Shrewsbury charter (1205) the corresponding grant runs "And that

they (the burgesses) shall have sake and soke etc., over the aforesaid borough and hundred as they were wont." Corresponding to the grant of liberties to a "borough" we find in the charter to William Briwerr founding the borough of Chesterfield, a proviso that the boroughs of Derby and Nottingham should not on that account lose their liberties. Magna Carta (s. 13) follows the Lynn charter: "And the city of London shall have all its ancient liberties and free customs both by land and water: and moreover we will and grant that all other cities and boroughs and vills and ports shall have all their liberties and free customs."

A phrase, intermediate between the grant to the burgesses and that to the "borough," is found in three Scottish Charters where William the Lion grants certain liberties to the burghs and burgesses of Aberdeen, Ayr and Rutherglen; the grant of liberties to the borough and burgesses is also found in John's Huntingdon charter, and in the Wells charter of Bishop Savaric. Closely akin to these grants are those that the vill of Portsmouth and the burgesses "holding in it and of it" should be quit of toll, and should hold their mansions with toll and team etc., as the citizens of Winchester and Oxford held theirs.

Some of our charters speak of the villata, the township, and represent the township as having a will of its own; thus the Lostwithiel charter (1190—1200) requires the license of the reeve and the whole township to enable a stranger to keep a tavern in the town (p. 217). The reeves and coroners of Northampton, Shrewsbury, Gloucester and Ipswich, were to be elected by the common counsel of the township, but at Lincoln it was by the common counsel of the city that these officials were elected, and at Dublin the common assent of the city was required for the disposition of certain property (p. 44).

This, then, is the point to which our charters carry us: some of them represent the burgus as an entity which can receive money, or suffer damage, which can possess laws and customs of its own, and can form an opinion of its own. It appears to be only by accident that the Pipe Rolls personify the burgus, and represent it as paying money; although the rolls of the later years of Henry II record payments from townships, villatae, some of which are in other passages stated to contain burgesses, yet in the printed rolls, I can find only occasional instances of the personification of a borough or city; in 1177 it is recorded that the city of Worcester paid 40 marks as aid¹.

¹ Pipe Roll, 23 Hen. II, p. 67.

Usually such payments are made by the citizens or burgesses or men.

Now if after so much labour the draftsmen succeeded in personifying a piece of land to such an extent that it could be represented as having a purse and laws of its own and an opinion of its own, there must have been some idea they wanted to convey, which they thought they could not express in any other way, and the Okehampton and Bristol charters suggest that they used the word to express the whole body of burgesses as contrasted with the individuals. And the ambiguity of the language of our charters in dealing with rights of property shows that some such term was needed.

As an example of this ambiguity let us extract two clauses from the Preston charter of 1188: "*concessi etiam eisdem burgensibus de proprio dono meo totum theloneum wapentachiae de Amounderesse*" (I have granted also to the same burgesses of my own gift all the toll of the wapentake of Amounderness): "*preterea concessi eisdem pasturam de foresta quae vocatur Fille Wode*" (moreover I have granted them the pasture of the forest called Fillewood). In each case the language is the same, but the subject matter of each grant shows that the destinations of the gifts differ: the grant of pasture would be enjoyed by the individual burgesses, but the toll of the wapentake would be paid into the common purse of the body of burgesses, for it is impossible to imagine that the charter authorised each individual burgess to go off into the wapentake on a free-booting expedition to levy his share of the toll. In our dissection of the charters we have divided these grants of proprietary rights according to the subject matter of the gifts; rights of pasture and timber are included amongst the appurtenances of the burgh as being granted to the individual burgesses; but the grants of markets, fairs and tolls and of the borough (at farm) were made to the body of burgesses, for it is impossible that the draftsman conceived of these gifts being shared out among the burgesses. There are other gifts of which the destination is clear; among the gifts to bodies of burgesses were the grant of the customs of the water and shore for the completion of the farm at Colchester, the grant of the land between the mountain and the water for the support of the burgh of Inverness, the grant of the sites of two mills for the improvement of the city of Winchester, and the grant of escheated lands at Newcastle-on-Tyne. The gift by William the Lion of five pennyworth of land to "my burgh and burgesses of Ayr" is noteworthy as apparently being a formal gift to an entity called a burgh, but it is qualified by the permission given to each burgess to

assart six acres for his own profit (p. 52) ; it would be interesting to know how much land was left for the common fund after the individual burgesses had appropriated their lots. Apparently the grants of waste lands within the boundaries of Bristol and Dublin were gifts to the respective bodies of burgesses. But the three clauses conferring on the burgesses of Swansea, Colchester and Dublin rights of fishing are most ambiguous : possibly the clause in the Swansea charter is a gift to individuals, but who can say whether the Colchester and Dublin gifts are to the individual burgesses or to the bodies, and authorise the bodies to make a charge to the individuals who exercise the rights ? And when, in his Swansea charter, the Earl of Warwick declared that if the burgesses found any wreck below high water mark, " half shall be mine and half theirs," was " their " half to belong to the individual finders or to the body of burgesses ?

These ambiguities show that the draftsmen had scarcely begun to perceive that there was a difference between gifts to individuals and gifts to the respective bodies of burgesses, but their attempts to use the word " borough " to signify the body of burgesses show that they were beginning to perceive this difference : and it may be suggested that their inability to perceive the full extent of this difference is a reason for the spasmodic nature of these attempts : they were not conscious of representing the borough as a person, or they would have tried to continue the image throughout the charter : and it is for this reason that we prefer to speak of the personality of the borough, rather than its personification : the latter term seems to savour too much of conscious effort.

Our draftsmen were exhausted by these few attempts to represent the borough as a person capable of receiving grants of laws and of holding property, and their precedents were generally disregarded in later centuries : but it may be suggested that it has been a loss to our jurisprudence that these precedents were not followed, for it would appear that " in Germany the style which purports to grant liberties to the citizens their heirs and successors yielded at what Englishmen must consider a very early date, to the style which treats the city as the recipient of the chartered rights¹."

But the draftsmen were only trying to express in words what they saw with their eyes : on all hands they saw liabilities undertaken by the whole body of burgesses, and a good example of the undertaking of liabilities by a body of burgesses is afforded by two of the

¹ *History of English Law* 1671 n., see *post*, p. cxxii.

earliest documents relating to the University of Oxford. In 1209, a clerk, a scholar in the schools at Oxford, killed a woman by accident, and fled for fear of punishment: the burgesses, having ascertained the inn to which he belonged, pursued him, and though he had got away, found there three other clerks whom they took before the King at Woodstock and forthwith hanged. Whereupon all the other scholars fled, some to Cambridge, others to Reading, and yet others to Maidstone, and the Bishop of Lincoln laid the town under an interdict. Some years later, the townsmen made their peace with the Papal Legate, who prescribed certain penances, and by a Bull, dated 1st July 1214, made other orders for the future dealings of the burgesses with the scholars¹. Among other matters, he ordered that the *communa* of the town should pay 52s. a year for the support of poor scholars; that the same *communa* should feed a hundred poor scholars on St Nicholas' Day; and that fifty of the greater burgesses should swear for themselves and the *communa* and their heirs to observe all the orders contained in the Bull. And there is among the University Archives a deed in the form of Letters Patent by which "*Philippus Maior et Communa Oxoniensis*" notify all men, that fifty of the greater burgesses have sworn to observe the decrees: all future mayors were to swear for themselves and the *communa* that they would observe this decree, and the like oath was to be taken by the reeves and the bailiffs who were appointed under the reeves, and this document was sealed by certain of the burgesses "by the mandate and will of the whole *communa* for the *communa* itself."

We will not be led aside to found any fanciful theories on the use of the word "*communa*" in these documents: it may indicate continental influences, or, on the other hand, it may show that the documents were prepared by a notary who was accustomed to use the words in speaking of cathedral chapters: but, getting behind the name to the thing represented thereby, we have evidence that in 1214 there was in Oxford a body that had a common purse out of which it could pay for the maintenance and food of poor scholars, although it had no common seal by which it could authenticate instruments given under its name².

¹ *Munimenta Academica Oxon.* I 1.

² See Wood's *Hist. and Antiquities of the University of Oxford*, Annals, sub annis 1209-14; I am indebted to Mr Strickland Gibson of the Bodleian Library for a photograph of the deed and also for a sight of the volume in the Archives from which Mr Anstey copied the decree of 1214; collation shows that Mr Anstey's "*communia*" is a mistake for "*communa*."

Our charters show that in 1214 there were in Oxford three organised bodies, the merchant guild, the cordwainers' guild, and the borough court: the cordwainers' guild was interested solely in the regulation of the leather trade; some of the older writers were of opinion that the contract to take the city at fee farm was made by the merchant guild, and therefore at Oxford we have our choice of the merchant guild or the borough court as the body with which the "communa" is to be identified. To decide this point, we must seek evidence elsewhere.

The Oxford deed shows a definite covenant by the body of burgesses, but such covenants are implied in the many charters in which the borough was granted at farm to the burgesses; and we must try to ascertain what was the body that undertook the liability under these implied contracts. Of the 28 English boroughs held at fee farm under charter by the end of our period, 13 (Andover, Cambridge, Derby, Dunwich, Gloucester, Helston, Ipswich, Lincoln, Oxford, Shrewsbury, Southampton, Yarmouth and York) are known to have had merchant guilds at the time that the various boroughs were granted at farm; in four, Newcastle-on-Tyne, Scarborough, Worcester and Doncaster, the first mention of the merchant guild is many years after the grant of the borough at farm; but 11 (London, Appleby, Corbridge, Droitwich, Huntingdon, Ilchester, Hereford, Northampton, Norwich, Richmond and Stafford), all of which were at farm before the death of King John, at no period of their history were possessed of merchant guilds¹.

The Oxford case gives us the choice of the merchant guild or the borough court as the body with which the "communa," the contracting body, is to be identified: the evidence of the "firma burgi" shows that this was granted in many cases in which there was no merchant guild to enter into a contract; and we must conclude that certainly in these cases, the contract was made by the borough court: but there were borough courts in all boroughs and it is therefore not unreasonable to identify these courts with the contracting body in all cases².

The identification of the borough court with the commune of Oxford and the various bodies that offered compositions in lieu of

¹ See list of merchant guilds in Gross, *Gild Merchant* 19—16.

² This is Stubbs' conclusion (*Const. Hist.* 1874 I 410). My inclusion of the merchant guild as a possible contractor was only in deference to the older writers who hazarded this opinion, for which Gross found no evidence (*Gild Merchant* 157 n. 5).

tallages or presented petitions and offered gifts for the grant of their boroughs at farm, and entered into contracts for the payment of their farm, will meet all our difficulties. If at Okehampton as at Tewkesbury, all sales of burgages were required to be presented at the borough court, the payment of 4*d.* to that court as a registration fee would be a payment to the common fund of the borough. The borough court would deal with the waste at Bristol and with the customs of the water and the shore at Colchester; and would grant licences to non-burgesses to keep inns at Lostwithiel.

The same conclusion is reached if the subject is approached from another point of view: John granted to the borough of Dunwich the privileges known as sake and soke: but the only way of exercising these privileges was by holding a court, and this court could therefore be considered as the owner of the sake and soke of the borough. If it be objected that the exercise of sake and soke is judicial, while the formation of a contract to pay the fee farm is administrative business, we must reply that the burgesses of the twelfth and thirteenth centuries cannot be expected to distinguish between two functions, which, even in this twentieth century, are hard to be distinguished. Are our present Poor Law Guardians a judicial or an administrative body? They are often called upon to pass judgment on conflicting evidence in order to avoid appearing to encourage immorality by their grant of relief. Mr and Mrs Sidney Webb have shown how the Justices of the Peace gradually acquired the whole administration of the counties, and by their Quarter Sessions supplanted the Shire Moots¹, and the records of the courts of the manor show that they transacted both judicial and administrative business; they punished petty crimes and regulated the cultivation of the open fields.

3. *Additional Notes on the Soken of the Cnihtenegild*

The charters which have already been discussed show how the Cnihtenegild became possessed of the privilege of sake and soke over their land and their tenants, and how the Kings confirmed their gift of this land and these privileges to the Priory of the Holy Trinity. It is now proposed to discuss the manner in which the Priory dealt with these possessions, and, for this purpose, use will be made of the transcript of the cartulary in the Guildhall Library (MSS. 122).

After relating the traditions about the formation of the Guild, its acquisition of certain land without the walls of London, and the gift

¹ Webb, *English Local Government* vol. 1.

to the Priory, the editor of the cartulary proceeds "And, after these things were accomplished, the land which was uninhabited and deserted, was demised in divers parcels in the Court of the said Prior and Canons, reserving to the Church certain annual rents, as could be best agreed between the parties, as hereinafter more fully appears; and, be it noted, that before the said soke was conferred on the church, Leonard Housesdych rendered 6s. 3d. to the Knights of the guild at Martinmas for his tenement and garden¹." And thereafter immediately follow copies of about two dozen grants of land in the parish of St Botolph in fee and inheritance, at specified money rents amounting to £8. 3s. 9½d.; the dates of these grants vary between 1170 and 1248. Several of these deeds contain provisions for other payments and services in addition to the rents; one (p. 34) reserves the customs which pertain to the soke: another (p. 64) contains the following provisoes: "And if it shall happen that the said Bartholomew or his heirs shall fail in payment of the said rent of 6s. and no 'nams' can be found on the aforesaid land whereby they can be distrained, it shall be lawful for the canons to distrain on the capital messuage of the said Bartholomew in the said soken until the said rent is fully paid. The said Bartholomew and his heirs shall maintain the houses standing on the said land or shall build others so that in them men can dwell who shall answer concerning the ward and other things pertaining to the said soken." A third deed provides that the grantee or the occupier of the land shall attend the hall-moot (*sequi halimotum*) of the priory (p. 72), and several reserve to the Priory a fine of one besant on alienation. Possibly the most interesting of these deeds is a grant of land adjoining Smithfield in fee with the proviso that if the grantee or his heirs wished to mortgage or sell that fee the Canons should be preferred to all others by one besant of gold, if they wished to have it (p. 77).

Some of the originals of the deeds in the cartulary and certain other deeds are preserved in the Public Record Office, and are calendared in the Calendar of Ancient Deeds, Vol. IV; they appear to have come from the Treasury of the Priory; for seven of them (Nos. 7308, 7353, 7279, 7358, 7367, 7369, 7374) are endorsed "Socca" or "Socca nostra."

In all these deeds we have grants of land in fee and inheritance; the grantors reserve money rents and other services: but the duplicate deeds of grant are endorsed "socca" or "socca nostra" by the scribe of

¹ Vol. IV pp. 7, 8.

the Priory, and this endorsement suggests that by the grant the land in question became the sokeland of the Priory. If this be so, the word soke would be used to denote those rights which remained to the grantor of land in fee and inheritance, or, if the matter be regarded from the other point of view, the burdens imposed on the grantee of land in fee and inheritance, whether by implication of law or by explicit reservation; except, of course, where such lands were granted either by knight service or in frankalmoign, or in sergeanty.

The cartulary contains other evidence to show that what passed to the Canons by the gift from the guild was land, and not a mere superiority: for the editor states that the Hospital of St Katherine and the exterior wall and new ditch of the Tower "stand and are on the same fee," and that by reason of the ditch the Priory lost rents to the value of half a mark; King Richard however hired (*conduxerat*) the greater part of the land forming the ditch for six marks, and Edward I gave the Priory an additional rent of $5\frac{1}{2}$ marks.

4. Foreign Parallels

In our preliminary chapters we stated as one of the objects of this collection a desire to learn whether our British boroughs were indebted to foreign precedents: a complete answer to this question would require far more knowledge of foreign charters and customals than is possessed by the present writer, but, as he is not aware of any detailed comparison of the municipal charters of one country with those of another, he ventures to explore untrodden ground.

(a) France

There appears to be no published collection of French municipal charters, although such a collection could be prepared on the lines here adopted with comparative ease, seeing the number of charters which are derived from one or another of a few types: but in the *Recueil des Ordonnances des Rois de France de la Troisième Race* are to be found some 87 charters granted to 65 towns before the death of Philip Augustus in 1223¹, and a comparison of them with the

¹ These charters are as follows: the references are to the volumes and page of the *Recueil des Ordonnances*.

Aire	...	...	1188	XII	563	Angers	...	...	1135	IV	632
			1192	XII	565	Angy	...	...	1186	IV	129
Amiens	...	...	1190	XI	264	Athies	...	...	1212	XI	298

charters contained in our collection shows many resemblances and as many differences. But, although our French charters profess to

Auxerre ...	...	1200	XI	280	Mantes ...	...	1201	XI	285
Baron ...	...	1215	XI	305	Meulan ...	...	1220	XII	296
Beaumont-sur-Oise ...	...	1222	XII	298	Molinet ...	...	1159	XI	204
Beauvais ...	...	1144	XI	193	Montdidier ...	...	1195	XII	288
		1182	VII	621	Niort ...	...	1204	XI	207
Bourges ...	...	1181	XI	222	Nonancourt ...	...	1205	XI	209
Bray ...	...	1210	XI	295	Noyon ...	...	1181	XI	224
Breteuil ...	...	1204	XII	256	Orleans ...	...	1137	XI	189
Bruyères ...	...	1186	XI	245			1147	XI	196
Caen ...	...	1220	XII	295			1178	XI	209
Cerny ...	...	1184	XI	231			1183	XI	227
Chambly ...	...	1222	XII	303			1220	XI	310
Chapelle-la-Reine ...	...	1186	XI	239	Paris ...	...	1192	XI	269
Charost ...	...	1194	XI	369			1200	XI	280
Châteauneuf ...	...	1181	XI	221			1213	XI	303
Chaumont ...	...	1182	XI	225	Paris (Butchers) ...	...	III	258	
Chauny ...	...	1213	XI	304	Péronne ...	...	1207	V	159
Compiègne ...	...	1186	XI	248	Poissy ...	...C.	1222	XI	315
Corbie ...	...	1180	XI	216	Poitiers ...	...	1204	XI	290
Crépy ...	...	1184	XI	234			1222	XII	301
		1215	XI	305	Poix ...	...	1208	VII	601
Dijon ...	...	1187	V	238	Pontoise ...	...	1188	XI	254
Dixmont en Lorris ...	...	1190	XI	268			1217	XI	308
Doullens ...	...	1221	XI	311	Pontorson, <i>see</i> Verneuil.				
Dun-le-Roi ...	...	1175	XI	208	Rheims ...	...	1182	XII	381
Dizy ...	...	1196	IV	341	Roye ...	...	1197	XI	228
Étampes ...	...	1123	XI	183	St Jean d'Angeli ...	...	1204	V	671
		1137	XI	188	St Quentin ...	...	1195	XI	270
		1155	XI	200	St Riquier ...	...	1189	IV	548
		1179	XI	211	Sées en Gatinais ...	...	1153	XI	199
		1199	XI	277	Senlis ...	...	1202	XII	292
		1204	XI	286	Sens ...	...	1189	XI	262
Falaise ...	...	1204	VI	640	Soissons ...	...	1181	XI	219
Ferté-Milon ...	...	1221	XI	310	Tonnerre ...	...	1180	XI	217
Fillièvre ...	...	1205	XI	291	Tournai ...	...	1187	XI	248
Laon ...	...	1128	XI	185	Vailly ...	...	1185	XI	237
		1189	XI	257	Verneuil ...	...	IV	643	
Lorris ...	...	1155	XI	200			IV	638	
		1189	XI	200			1204	XI	289
Mailly-le-Château	1193-1217	V	713		Villeneuve en Beauvaisais	1200	XI	278	
Mantes ...	...	1150	XI	197	Villeneuve-St-Melon...	1196	IV	63	

From other sources I have drawn the following charters: from *Le Premier Registre de Philippe Auguste* (ed. Delisle)—Bapaume 1196 (fo. 20), Mantes 1201 (fo. 50^{vo}), Chaumont 1205 (fo. 41^{vo}); from Dr Round's *Calendar of Documents preserved in France*—Rouen 1150—1, 1174—5, 1192 (pp. 32—36), St Omer 1154—8

relate to only 65 towns, yet in reality they were applicable to a much larger number, as the practice of affiliation was carried to far greater lengths in France than in England: thus the charter of Lorris was the precedent for charters to about a score of communes in its neighbourhood¹, the law of Beaumont-en-Argonne was adopted by more than 300 towns in Lorraine, Champagne and the Ardennes², and the Établissements of Rouen were the foundation of the constitutions of 16 towns³. Luchaire found that the communal charters of the twelfth century might be referred to seven general types, each characterising one or more geographical regions⁴; these seven typical charters were those of Mantes, Laon, St Quentin, Péronne, Amiens, Soissons, and Rouen, while the constitutions of Beauvais and Noyon were peculiar to those cities. M. Bourgin thinks that the number of types might be increased⁵, but, even so, he does not impugn the general principle that the majority of the French communal charters are derived from a few types. Our pages show that this was not the case in England: till the death of John, the London charter of 1155 and the Winchester charter of about the same date are the only charters that were used as precedents for more than two charters: but the case was slightly

(p. 491), Rochelle 1175 (p. 453), Calais 1194 (p. 480); from Girý's *Établissements de Rouen*, the Établissements, and the Charter of Philip Augustus of 1207; from Girý's *Histoire de la ville de St Omer* the charters of 1127, 1128, and 1168; from *Bibliothèque de l'École des Chartes*, Ser. 3, t. II.—Beaumont-en-Argonne 1182 (p. 248); from *Histoire de la province d'Artois*, III.—Arras 1194 (p. 6), Bethune 1222 (p. 59), Sens 1209 (p. 64). The third volume of the *Recueil des Monuments de l'histoire du Tiers État* contains a number of communal charters based on that of Amiens, of which I have not made use as their differences from their exemplar are unimportant. As showing the affiliation of these charters, it should be noted that the towns in the second column of the following list have charters corresponding with those of the towns in the first column.

Mantes	Chaumont, Pontoise, Poissy.
Laon	Cerny, Bruyères, Montdidier.
St Quentin	Chauny, Roye.
Péronne	Athies, Tournai, Fillièvre.
Amiens	Doullens.
Soissons	Crépy, Vailly, Sens, Compiègne, Senlis, Villeneuve-St-Melon.
Rouen (1207)	Poitiers (1222).
Lorris	Molinet, Dixmont, Chambly, Bois-Commun.
Sées	Chapelle-la-Reine.

¹ *Nouvelle Revue Historique*, 1884, p. 445, 1904, p. 747.

² Viollet, *Histoire des Institutions Politiques et Administratives en France*, III, 17

³ Girý, *Établissements de Rouen*.

⁴ *Les Communes Françaises à l'époque des Capétiens directs*, 136—8.

⁵ *La Commune de Soissons et le groupe communal Soissonnais*, III.

altered at the end of the thirteenth century, for Edward I granted to the newly erected boroughs of North Wales a series of charters which were similar except for the necessary verbal differences.

But although there was in this country little affiliation of charters, that is, repetition of the clauses of one charter in another, yet there was much affiliation of boroughs: and our collection contains 59 British charters by which the customs of one borough were conferred on another. But here we find a great difference between English and foreign practice: the charter granted to Oxford by Henry II, by which the citizens received the liberties of the citizens of London, provided that in cases of doubt they should send to London, and that the decision of the Londoners on any point should be considered firm and valid, and similar clauses, substituting Oxford for London, are found in charters to Bedford and Lynn; it is well known that mother-towns received frequent appeals for rulings on disputed points. In France, however, the *chef de sens*, as the mother-town was usually called, in addition to giving its opinions on disputed points, often decided controversies between a commune and its lord, and between parties in the commune¹. At Poix, disputes between the lord and the commune were to be settled by the judgment of three other communes (*c.* 12). The German customs again differed from those of England and France, for, east of the Rhine, the court of the mother-town decided appeals from the courts of its affiliated towns².

The privileges conferred by the French charters can be grouped in seven divisions as those of our British charters; but the French charters are longer than ours, and the emphasis differs in the two countries, for they contain more clauses relating to Tenorial Privileges than the charters of this country and aim especially at the exemption of the burgesses from feudal servitude.

Corresponding to our first division, the clauses relating to the formation of the borough, we find a number of clauses relating to the formation of the commune; but there was one concept in the idea of a commune which was utterly alien from English municipal jurisprudence: the commune was supported by oaths from two sides: on the one hand, all its members were sworn to maintain and obey it; on the other, its lord took an oath that he would not impugn its privileges (St Omer, 1127, 1128); in the British Isles, we are accustomed to the oath of the new burgess for the maintenance of the liberties of his borough, but only one of our charters refers to any oath

¹ Luchaire, *op. cit.* 148.

² Gross, *Gild Merchant* 1 275—281.

on the part of its grantor or his successors; the Corbridge charter, which was an agreement for the settlement of disputes, speaks of oath being made by the grantor's men that their lord would observe its provisions (p. 239); the only other record of an oath on the part of a lord is the oath of John to the Commune of London in 1191 (Benedict Abbas, qu. Select Charters, 252). And this brings us to another point; many of the French charters were extorted from the lords by riot and revolution, our English charters are always the result of agreement and often of purchase.

Many clauses in the communal charters are a recital of the duty of the burgess to his neighbour: the first clause of the Soissons charter requires that each shall help the other, and this vague theory was reduced to some practical purpose in the Aire charter, which required the burgesses to give a penny apiece to their brother whose house had been burnt down (c. 13); at Amiens it was distinctly laid down that there was not equal justice between jurat and non-jurat, *i.e.* between a member of the commune and an outsider (c. 45). One phrase used in the communal charters has no parallel in any of our English charters; many speak of the enemies of the commune, and the penalties incurred by jurats who speak to or aid such enemies (Amiens 1190, c. 16, St Omer 1168, c. 35, Soissons 1181, c. 13, 14, Beauvais 1141, c. 3, 11).

We have seen that in England there were grades of boroughs, some being more highly organised and privileged than others; in France, we find a grade intermediate between the commune and the ordinary village; the inhabitants of certain towns (*e.g.* Étampes, Orleans, Angers, Dizy) received certain privileges but not permission to form a commune. Flach classifies the French municipal charters as (*a*) charters of sworn communes, (*b*) charters of customs, (*c*) charters of franchise (*Origines de l'ancienne France*, II, 423), but no attempt has been made in these pages to distinguish between these three classes. Corresponding to the charter by which John annulled the charter of the burgesses of Whitby is the charter by which Philip Augustus suppressed the commune at Étampes, and declared that in the future he was at liberty to tallage the inhabitants as he willed. But the charter creating the commune at Étampes was not known to the editors of the *Ordonnances*.

From the charters, it would seem that the question of burgage tenure was not so important in French municipal law as it was on this side of the Channel; fixed rents were reserved at Lorris (6*d.*), Tonnerre (5 sous), Verneuil (12*d.*) and Beaumont (12*d.*), and at the

latter place the tallages, corvées etc. owing from each burgess were redeemed for an annual payment of 5 sous. At Dizy the rent for each masure was fixed at 12*d.*, one sextary of wheat, one sextary of oats and two capons. Liberty of sale was expressly granted at Beaumont-en-Argonne (c. 2), where certain dues were payable to the mayor and jurats on sales of inheritances (c. 10); and in the Étampes charter (1179, c. 1) permission was given for the purchase of land, but that permission was restricted to that land which was known as "Octave," and it was declared that the purchaser should not become a serf by reason of his purchase: the kin's pre-emption was allowed at Amiens (1190, c. 25), but no charter contains a clause giving the lord a right of pre-emption: many English charters forbid the sale of burgages to religious houses; the only clause of this nature in the French charters is found in the charter to Meulan (1220, c. 5), which enacts that if any tenement be placed in alms, it must be sold within a year and a day, otherwise the lord would seize it and hold it at the accustomed rent. A good title was secured by possession for a year and a day at Chaumont (1182, c. 10—12), Noyon (1181, c. 12), St Omer (1128, c. 24), Beauvais (1182, c. 17), Beaumont-en-Argonne (c. 24), Rheims (c. 3) and St Quentin (1195, c. 7), but possession for seven years was required at Amiens (1190, c. 26). The inhabitants of Rochelle and St Jean d'Angeli were given the right to make wills of land, and intestate succession was regulated at Rochelle, Amiens (1190, c. 22 and 23) and Laon (c. 21, 22). Liberty of marriage was allowed generally at Poitiers and St Jean d'Angeli (1204, c. 1), and to widows at Bourges (1181, c. 8), and to those members of the commune of Laon who were not the men of clerks or nobles (1128, c. 10), but the lord received a fine of 5 sous at Soissons (1181, c. 5) if a man married a wife from another jurisdiction.

✓ Passing on to the French tenurial privileges, it is found that most of the charters contain clauses exempting the burgesses from feudal dues of one kind or another: Mainmortes were entirely abolished at Laon (1128, c. 19), Soissons (1181, c. 21) and Orleans (1146), the lord's right to tallage was released at Lorris (c. 9), Sées (c. 1), Tonnerre (c. 1), Bourges (c. 1) and other places, and at Laon the sum of 4*d.* was fixed as the sum to be exacted from each burgess by way of tallage (1128, c. 18). Oblation was another feudal due from which the burgesses of Lorris and Sées were released: the burgesses of Bourges and Dun-le-Roi were exempted from *botagium* (a due on the sale of wine) and the *exactio culcitrarum*, which appears to have been a right on the part of the lord to obtain a loan of his tenant's bedding

on his visit to the town. Till 1189 the burgesses of Laon were bound under their charter of 1128, to provide the King with three *procuraciones* or lodgings and food for three nights, or a sum of 20 livres in lieu thereof; but in that year they paid him 200 livres and received entire exemption from this due (1189). The first Mantes charter exempted the burgesses from tallage, unjust caption, unreasonable exaction and *creditio* (1150, c. 1): this latter was the right of the lord to take his tenant's goods on credit, and was also forbidden at Tournai (c. 17); at Soissons (1181, c. 1), Lorris (c. 11) and Péronne (c. 17), the burgess was bound to give his lord a limited credit. At Poix, every burgess was bound, once in his life, to give his lord credit to the amount of 5 sous without asking for pledges, but thereafter he could refuse to give credit unless pledges were given (c. 9); but while the lord's credit is limited to 40 days in England and Ireland, in France the term varies between 15 days and three months: none of the French charters in our list prescribes a term of 40 days. There were certain feudal duties from which the burgesses were not normally exempted: at Auxerre alone did the lord release his right to their services on expeditions; at Sées (c. 7), Lorris (c. 3), Dizy (c. 1), Angy (c. 2) and Villeneuve-St-Melon (c. 4) they were not required to go beyond such a distance that they could return the same night, as at Swansea and Pembroke: the burgesses of Pontoise (c. 13), Chaumont (c. 13), St Omer (1127, c. 4), Poitiers (1222, c. 21) and Bourges (1181, c. 3) were not required to go beyond certain limits: at Verneuil, they were bound to serve only when the King was actually serving in the same army (1154—1189, c. 1), while at Beaumont they were obliged to serve wherever the King wished (c. 19). At Tournai the commune usually sent 300 armed foot-soldiers as their contingent on expeditions, but in case of the invasion of Artois, the whole commune went with the army (c. 34, 35). Carrying services were required at Lorris (c. 15), but were released at Orleans (1198, c. 4); escort duty was required at Beauvais (1189, c. 8, 9), and watching services at Rouen (Étab. 4), St Omer (1167, c. 18) and Noyon (1181, c. 2). At Mantes (1150, c. 1) and Étampes (1189, c. 9) there were provisions authorising the burgesses to guard their own vineyards, provisions which may indicate that without such exemption it was the lord's privilege to find these guards. Possibly, the most important of these tenurial privileges were those contained in the Roye and St Quentin charters providing that the King would take nothing from the burgesses but by judgment of the échevins (c. 1), and in the St Omer charter which provided that burgesses offending

against the King should be tried according to their charter (1168, c. 5).

The communal franchise was secured by residence of a year and a day at Sées (c. 9), Lorris (c. 18), Roye (c. 3) and Bray (c. 12); at Arras, the new comer must be presented to the échevins (c. 39), and at Laon (1189, c. 24), Poissy (c. 15), Verneuil (1204, c. 4), Crépy (c. 23) and other places the burgesses were forbidden to admit the men of certain lords into their commune without the consent of these lords: these provisions should be compared with the Chesterfield charter reserving to the lord of the borough the right to forbid the admission of a new burgess. Normally, clergy could not enter the commune, but at Roye (c. 52) an exception was made in favour of those clerics who were married and carried on trade.

✓ Passing to the privileges relating to litigation and jurisdiction, we find that the commune, like the borough, was a jurisdictional unit; and that in many of the communal charters the inhabitants were exempted from attendance at external pleas (Beauvais (1182, c. 16), Bourges (c. 5), Corbie (c. 4), Laon (1189, c. 29), Lorris (c. 8), Rouen (1150, c. 3), Sées (c. 10), Verneuil (1154—89, c. 2, 3) and Meulan (c. 3)). The burgesses of Orleans were not to be summoned to a greater distance than Étampes, Lorris and Yeure le Château (1183, c. 2). The right to hold pleas for its members appears to have been implied in the grant of a commune, but was expressly granted at Rouen (1307, c. 24) and Crépy (c. 30): but rape and homicide were reserved to the lord in the last mentioned place, and at Athies, while the commune had jurisdiction in pleas of 10 sous and under, the Royal Justice dealt with complaints over that amount. At St Quentin there was a clause distinguishing the functions of the Royal and communal justices: to the former were reserved larceny, murder, rape and the forfeitures which were reserved to the King and the Bishop at Laon, while other offences were to be tried before the Viscomte and the Justices (c. 25). The commune was forbidden to deal with offences against the law of Christianity at St Omer (1127, c. 3), and delinquent clergy were to be dealt with by the Dean or the Bishop at Laon (1189, c. 20). At Amiens (1190, c. 47) and Beaumont-en-Argonne (c. 56) as at Whitby there were three general pleas, and at Lorris (c. 12) and St Omer (1168, c. 49), as at Norham Wells and Whitby, the members of the commune were allowed to compound with one another for their offences without any payment to the lord: but private settlements were forbidden at Aire (1188, c. 2).

The subsections dealing with methods of trial and procedure are

very full and require more careful consideration than can here be given : we can notice only a few points. The English clauses exempting the burgesses from trial by battle are to be found in only one of the French charters that I have examined—St Omer (1127, c. 8); but many of them contain provisions regulating the procedure at duels: the burgesses were not required to fight hired champions at Étampes (1179, c. 29), Rouen (1150, c. 6) and Amiens (1190, c. 17): but there is printed in the Introduction to vol. XII of the *Ordonnances* (p. xv) a document by which Geoffrey Blundel acknowledges that he is the armed champion of the commune of Beauvais at a retaining fee of 20 sous a year, with other fees under certain circumstances. At Rouen the burgesses were not bound to answer charges made by a notorious thief (1151, c. 2, 1207, c. 6); and at Lorris (c. 32), Amiens (c. 30) and Beaumont-en-Argonne (c. 15) the defendant could purge himself by his own oath alone if his accuser brought no witnesses. It will be remembered that the Swansea charter forbade members of the lord's household from bearing witness against a burgess: similar clauses are found at Orleans (1137, c. 5), Noyon (1181, c. 9), Soissons (1081, c. 4) and Bourges (1181, c. 7).

The French clauses relating to punishments are in many respects very different from the English clauses: of course there were the usual nicely regulated scales of the fines to be inflicted for various offences: even at Verneuil the fines for each offence were set out in detail: but in only two French charters, those of Soissons (1181, c. 2) and Orleans (1183, c. 4), have I found a clause like that contained in the law of Breteuil and in so many English charters limiting the fines to a fixed sum, except for certain offences. The limit at Soissons was 5 sous and at Orleans was 60 sous.

On the other hand, many of the French charters prescribe punishments which are not found in any of our British charters; many prescribe that for certain offences the offender's house shall be destroyed (Amiens (1190, c. 8, 9, 16), Bray (c. 8, 9), Laon (1128, c. 5), Peronne (c. 1), etc.); Dr Round has pointed out that this punishment was known in the Cinque Ports¹, and Miss Bateson has added Dublin, Bridport and the four burghs of Scotland to the list of places where it was practised²: and c. 21 of the Assize of Clarendon prescribes this penalty for the man who entertained a heretic (*Sel. Ch.* p. 145). Again, many French charters allow the practice of retaliation, laying dower

¹ *Feudal England*, 552—562.

² *Borough Customs* II 38.

the principle as at Laon (1128, c. 5) head for head, member for member: Arras (c. 2), St Omer (1127, c. 20), Amiens (1190, c. 7), Péronne (c. 12) and Tournai (c. 12) were other towns where this penalty could be inflicted. For certain offences at Verneuil (1154—89, c. 20, 21) the prescribed penalty was the loss of the offender's fist or a payment of 60 sous. And at Laon (1128, c. 5) and Verneuil (1154—89, c. 21) the offender was obliged to pay the fee of the medical man who attended on the man he had assaulted: this clause is found in the Preston customal¹. At Corbie (c. 6) and Beaumont-en-Argonne (c. 47) it was provided that persons who failed to pay their fines should be banished from the town, and banishment is specified in other charters as the penalty for certain offences (*e.g.* Laon 1128, c. 2); but is mentioned in the Egremont charter alone of the British charters. At Laon (1128, c. 11) and Roye (c. 54) "if a vile and dishonourable person insulted an honourable gentleman or lady with disgraceful insults, it was lawful for an upright man of the peace (*i.e.* of the commune), if he were passing, to reprove him and to admonish him with one or two or three slaps," but if it were proved that the "upright man" was actuated by spite, he could be punished.

One of the great difficulties of the commune was to secure the punishment of a person who did not dwell within their privileged area: one method of meeting this difficulty was by seizure of the property of a person living within the commune who was the man of the offender who lived outside the commune (Laon 1128, c. 21; Arras c. 15): but at St Omer (1127, c. 15) if a foreigner injured a burgess and refused or neglected to make satisfaction within three days, the burgesses might avenge the injury of their brother, and if the offender's house was destroyed or burned, or if anyone was injured or killed, the burgesses were not to be punished on that account. The Crépy charter (c. 17) went still further and authorised the burgesses to make an expedition against the offender's house, and if necessary the King would help them.

Our last section, among the jurisdictional privileges, shows how the English jurists compelled a stranger to appear at the court of the borough by distraining on his goods or on those of his neighbour: this method was unknown in France, except at Rouen, where Philip Augustus in 1207 (c. 5) authorised the mayor to detain the horse or harness of a foreign debtor, if he happened to be in the town, till he

¹ 15 *E.H.R.* 498.

had given security for payment or trial: and this clause was repeated in the charter to Poitiers of 1222 (c. 4), in which year the king also authorised the men of Beaumont to distrain on the goods of their debtors in all places in the county of Beaumont (c. 17), with certain exceptions similar to those contained in the Newcastle custumal; but it is not clear whether this remedy at Beaumont was to be used before or after judgment. At Péronne and Tournai (c. 16) and Aire (c. 6) if a knight living outside the town refused to pay his debts he was "boycotted." At Roye (c. 32) and Crépy (c. 26) the burgess might detain the foreign debtor whom he met in the town, and deliver him to the authorities; and the St Omer charter (1168, c. 40) allowed the detention of the foreign debtor till the debt was paid; but the Établissements of Rouen (c. 48) forbade arrest except in cases of homicide, and at Lorris (c. 16), Bourges (c. 3) and Poitiers (1204, c. 3) arrest was prohibited in cases where bail was forthcoming. At Étampes (1179, c. 27) an admitted debt for which pledges had been given could be recovered by distress by the prévôt after certain delays. The arrest of debtors on market days was prohibited at Étampes (1179, c. 75), while the burgesses of Beauvais (1144, c. 15) were forbidden to arrest others than the debtor or his surety: these clauses have their parallels in English charters, but it is distress which is forbidden under these circumstances.

The mercantile privileges contained in the French charters are less valuable than those of the British charters, and contain no clauses conferring the monopoly of trade within the commune to the burgesses or members of the merchant guild. Luchaire says that the charter granted in 1127 by William Count of Flanders to the men of St Omer "was visibly made for the merchants" (*op. cit.* 32); but compared with the franchises granted in 1188 by John, Count of Mortain, to the men of Bristol, those of St Omer were poor in the extreme. They were to be quit of toll at Dixmunde and Gravening, and if the count could procure treaties with the King of England and the Count of Boulogne, he would obtain their exemption from toll in England and at Wissant: there was to be freedom of trade between Nieurlet and St Omer, and the burgesses were to be quit of "sewarp" throughout Flanders: but there were no clauses securing the monopoly of certain trades and of innkeeping to the burgesses, and restricting the sojourn of foreign merchants to 40 days, as there were at Bristol. Especially do the French charters lack those comprehensive grants of freedom from toll that are to be found in so many English charters: but this would be attributable to the fact that the sovereignty of the land

which we now call France was then divided among many persons, of whom the King was, at first, little more than "primus inter pares." In comparison with the scanty exemptions from toll contained in the charters of the French Kings, there stand out the extensive grants made by the English Kings to favoured towns, such as Rouen (1174) and Calais (1194), and in a lesser degree to St Omer (1155—8). But after the conquest of Normandy, Philip Augustus granted that the burgesses of Breteuil should be quit of toll in Normandy, Poitou, Anjou and Maine, and to those of Verneuil he gave the same exemption with the addition of Brittany and Gascony: but from both grants he excepted the county of Evreux and some other places: in 1222 he granted to the men of Poitiers exemption from toll in all the land that had belonged to Henry, King of England, with the same exceptions as at Verneuil (1222, c. 2).

But if in one respect the French exemptions from toll were less extensive than the English, in another respect they are more extensive: thus, at Noyon (1181, c. 11) no toll was charged in the market to widows having no adult sons, nor to "those who lived in the way of saints," nor on any merchandise of less value than 8*d.* (c. 14); this latter privilege is also to be found at Étampes (1179, c. 22), where the limit was 4*d.*; while at Lorris (c. 33) goods that a man purchased for his own use or (c. 1) grew on his own land were also exempt from toll. These three exemptions are unknown in our British charters except that the last two are found at Cardiff. A custom relating to trade, that was unknown in England, but was widely prevalent in France, was one by which all trade in wine, and sometimes in other goods, was reserved to the lord for certain periods: the ban of wine was absolutely forbidden at Sées (1155, c. 11) but was reserved at Tonnerre (c. 6), where the lord had the ban of wine for two months in the year: at Étampes (1137, c. 2) and at Lorris (c. 10) the King, and at Angers (c. 2) the Count, had the ban of wine for the produce of their own vineyards and cellar: at Amiens the ban was reserved to the King and Bishop (1190, c. 56): at Athies it was reserved to the King, the mayor and the échevins (c. 32), and at Crépy (c. 16) it was not to be imposed without the consent of the burgesses. Purchase for resale in the same market was forbidden at Étampes (1179, c. 2). The Weavers of Étampes (1204), the Bakers of Pontoise (1217), the Butchers of Paris (1162, 1182, 1212, 1219) and the Butchers of Orleans (1220) received charters regulating their respective trades: and Henry I and Henry II granted charters to the guilds of Cordwainers and Tanners respectively at Rouen, conferring monopolies of these

crafts in terms very like those which were granted to the Weavers of London and the Cordwainers of Oxford¹.

We have seen the importance which the English burgesses attached to their ability to obtain grants of their boroughs at farm, by which they obtained control both over the finance and administration of their town: and we have pointed out that in the Dublin charter the grant of the *prepositura* explicitly goes with the grant of the borough and that in other charters this grant is implied. These grants are fairly common in England before the death of Henry II: but I have found no French charter earlier than 1188 which conferred on a commune the Prévôté of the district and the rents and dues collected by the prévôt. In that year Philip Augustus granted the Prévôté of Pontoise to the commune of Pontoise for rents of 50 livres to the Crown and 30 livres to the seneschal, and at the same time granted to the commune the *minagium* (i.e. the public weights and measures) for ten years for a yearly rent of 10 muids of wheat and five of oats. In 1201 he granted the Prévôté of Mantes with all rents and justice (except rape and murder) to the commune of Mantes for a rent of 1100 livres, and four years later he granted the Prévôté of Chaumont with the mills and the rents as the prévôt held them, and the right to receive the forfeitures up to 67½ sous, to the commune of Chaumont for 300 livres and six muids of wheat and five of oats. Pontoise and Chaumont both had received charters based on that of Mantes. A commune based on that of Laon was granted to Montdidier in 1195, and the burgesses agreed to pay the King 690 livres a year in three instalments for the commune, the tolls, the toll paid for the passage of goods through the town, the exchange, certain dues connected with the gates (or the gatekeepers) and the watch, the mills, the *minagium* of Hubert's mill, the King's vineyard, 40 sous "de censu," certain arable land, and certain dues in kind, consisting of oats, forage, capons, 12 lbs. of wax and eels from the mill-pond, except that when the King visited Montdidier he was to have the eels (c. 33): and the King reserved to himself the appointment of the prévôt (c. 35). In 1200, in consideration of a yearly rent of 100 livres the King quit-claimed to the commune of Villeneuve-en-Beauvaisais all that he had in the town from rents, tolls and forfeitures except rape and murder (c. 25, 26): it is evident that the commune secured the right of appointing the prévôt, for the charter contained a clause that if at any time the commune was quashed, Stephen, who was hereditary prévôt, should again have

¹ *Cal. Documents preserved in France*, p. 32.

his position, and in the meantime the burgesses were to pay him 15 livres a year (c. 23, 24). About the year 1222, the mayor and commune of Poissy received, for an annual rent of 600 livres, a grant of the Prévôté with all the rents that the prévôt received, but reserving to the Crown certain dues in kind ; but the King was to pay all fees and alms and the *seneschalcia*. A grant of a very different nature is contained in the charter of Bochard de Maillac whereby in 1222 he granted all his land of Meulan to the men of the commune of Meulan in perpetual farm for 100 livres for all rents and exits, saving his justice; and the men agreed to give him 40 livres more, so that they might execute all justice, reserving to him merely rape and murder. These seven are the only French charters that I have been able to find, previous to the death of Philip Augustus in 1223, which bestow on French communes the privileges which were acquired by English boroughs when the burgesses acquired the right of farming their boroughs¹. And their phraseology suggests a doubt whether any of them conferred a seignory on the commune : with the exception of Meulan, all that they professed to do was to place the commune in the position formerly occupied by the prévôt, the royal officer who collected the rents, tolls and other dues arising from the town and banlieu. The grant of the land of Meulan might have had a different effect from the other grants, but as that is a grant in farm, and not in fee, it is questionable, whether, in English law at all events, it conferred on the grantees the seignory over the land. For the term seignory includes other rights than those of administering justice ; and the crux of the matter is the right to the escheats, as Maitland pointed out in the Ford Lectures². This latter question must be discussed by someone with a full knowledge of French municipal history : but our English parallels throw doubt on the accuracy of the definition that a commune was a "seigneurie collective populaire³."

The last section of our code of English municipal law dealt with the elected officials of the boroughs, and we have already anticipated much of what would find a place in a similar section of a French code : with the grant of the Prévôté, the communes acquired the right of electing a prévôt, who should collect the rents and tolls and other dues, including the fines and forfeitures : but the charters mention other officials ; the charter to Bapaume (1196) authorises the election of a mayor and échevins (*scabini*) and jurats and declares that the échevins

¹ But see Viollet, *Histoire des Institutions Politiques etc.* III, 36 n.

² *Township and Borough*, 185.

³ Luchaire, *op. cit.* p. 97.

shall judge all quarrels arising within the precincts of the town of Bapaume except those which related to the king's bailiffs and the men of his household: the earliest communal charter, that of Laon 1128, speaks of the mayor and jurats whose functions are not specified but can be deduced from c. 5, which orders that the compensation to be paid by an offender who would otherwise have lost a limb, should be fixed by the judgment (*arbitrium*) of the mayor and jurats. And many of the communal charters speak of bodies of men, known sometimes as *échevins* and sometimes as *jurats*, who were magistrates of the town and sentenced offenders and assessed damages. At Mantes they were called the peers of the community and cases of assault were tried before them and the King's *prévôt*. At Amiens if any agreement was made in the presence of two or more jurats, no duel could arise therefrom if the jurats gave their evidence (c. 44), and there was a similar clause in the *Établissements* of Rouen (c. 22): at Beaumont-en-Argonne the presence of the jurats validated any transaction (c. 28) and no pledge could be given except with the consent of the mayor (c. 49); at Noyon "No one shall make his defence in the absence of the prosecutor unless the injury had been shown to the *échevins* or *jurats*" (c. 10). At Amiens the mayor and jurats were authorised to do justice if the King's *prévôt* made default (c. 4); the same charter speaks of the *statuta scabinorum*, a phrase which may show that they had power to legislate for the good behaviour of the town, or may merely refer to their judgments.

At first the mayor seems to have been that member of the body who was chosen as their executive officer; thus, it was the mayor to whom the burgess of Crépy delivered the foreign debtor whom he had met in his town so that he might be forced to give security (c. 26): and it was the mayor of Rouen who distrained on the horse or harness of the foreign debtor till he too had given security (1207, c. 5); but duty brought honour, and the mayor is always given precedence of the *échevins* and *jurats* when he is mentioned in the charters. Usually the charters give no information as to the number of the *échevins* and *jurats* nor of the method of their election, and it should be remembered that the *échevinage* had been in existence for half a century before the charters lay down any rules for the election of its members. The charter of Beauvais authorised the election of one or two mayors (1182, c. 18); at Châteauneuf the burgesses by common consent elected ten men for the business of the town to retire annually.

The number of *jurats* at Tournai was fixed at 30, and vacancies in their number were filled by co-option by the survivors; two of

these 30 were called prévôts. At Péronne there was a very intricate method of election, beginning with the action of the craft guilds, by which were appointed one mayor, seven échevins and six councillors (c. 25). At Arras the 12 outgoing échevins elected four men who co-opted 20 others; of these 24, 12 were the échevins for the following year, and the other 12 were entrusted with the administration of the town; their term of office was 14 months (c. 45). But the document that throws most light on the internal organisation of the commune is the custumal known as the *Établissements* of Rouen, where there was a body of 100 peers, out of whom were chosen annually 12 échevins and 12 councillors: a list of three names was drawn up, and of these, the King selected one to be mayor: a penalty was inflicted on the man who was absent without excuse, when summoned on the business of the town.

I think that it is this last section of French municipal law which throws most light on our English problems: it was argued above that in England it was the borough court, and not the merchant guild, that undertook the administration of the borough and became responsible for the fee farm; in France we see the échevins or jurats, who were originally the municipal doomsmen, taking upon themselves the administration of the town. This appears most clearly in the charter to Beaumont-en-Argonne, the greater part of which is concerned with the judicial powers of the mayor and jurats, on whom the last clause but two confers the powers of making regulations for the good government of the town (c. 53). The Amiens and Rouen laws relating to the jurats as witnesses of bargains remind us of the laws of Edgar establishing in the boroughs a body of witnesses before whom bargains should be made¹, and the penalty on the absent jurat at Rouen is comparable with the penalty which, according to *Domesday Book*², was inflicted on the judge at Chester if he was absent from the hundred without excuse.

Possibly, it will be useful to consider the question of parallels between French and English charters from another point of view: before his accession to the throne of England, Henry II was Duke of Normandy, and in the year 1151 or 1152 he granted a charter to the men of Rouen, containing 25 clauses³; let us compare this charter with some of those which he granted within the first three years of his accession to the throne of England, say, his charters to London,

¹ *Domesday Boroughs*, 115.

² D.B. I 262 b 1.

³ *Cal. Documents preserved in France*, 32.

Chichester, Wallingford, Oxford and Lincoln. Only five of the 25 clauses in the Rouen charter can be paralleled from these English charters:

(1) an exemption from pleading or being impleaded outside Rouen except before the Duke of Normandy (c. 3 = IV A, 4).

(2) an exemption from billeting except by direction of the city's own marshal (c. 8 = II B, 7).

(3) a warranty of lands, purchases, tenures and mortgages (c. 9 = II B, 3).

(4) liberty to trade throughout England on payment of the King's lawful dues (c. 20 = V B, 5).

(5) a provision that debts and contracts made at Rouen shall be there discharged (c. 23 = IV C, 2).

A sixth clause (c. 17) prohibits strangers buying from ships trading with Ireland, except through the men of Rouen, and thus virtually secures to them the monopoly of trade with Ireland, and yet another (c. 24) forbids any merchant from passing through Rouen with merchandise except a citizen; but neither of these has any exact parallel in any English charter. Now if we take these five clauses possessing parallels in English charters, we find that not one is found in the charters to Chichester, that only one (No. 1) is found in the charters to Wallingford, Oxford and Lincoln, and that four (Nos. 1, 2, 3, 5) are found in the London charter: but these four clauses are modifications of similar clauses contained in the London charter of Henry I. So that, if parallels show influence, and the existence of parallels in the Rouen and London charters show that one has influenced the other, the earlier must have influenced the later, and the London charter of 1131 must have influenced the Rouen charter of twenty years later.

(b) Germany

My knowledge of German municipal law is confined to the Latin charters and custumals of the twelfth and thirteenth centuries contained in the single volume of Gengler's *Corpus Juris Municipalis Germaniae Medii Aevi*, a volume which embraces only those towns whose names begin with one of the first four letters of the alphabet. The towns, whose documents I have used, are Aix-la-Chapelle, 1166, 1215, Andernach, 1167, Bamberg, 1057—66, 1291, Basle, 1216—8, Bodenwerder, 1287, Bozen, 1292, Brandenburg, 1170, 1315, Braunsberg, 1280, Breisach, 1275, Bremen, 1186, 1246, 1248, 1254, Brieg, 1250, Brühl, 1285, Brunswick, 1199, 1227, 1231, Buchhorn, 1275, 1299, Cassel, 1239,

Cologne, 1169, Corbach, 1188, Damm, 1297, Delsberg, 1289, Demmin, 1292, Deutschbrod, 1278, Diessenhofen, 1178, Dirschau, 1260, Donauwörth, 1030, 1220, Dornstetten, 1278, Dortmund (Statuta Antiqua), Dramburg, 1297, Dresden, 1266, 1271, 1291, 1299, Duderstadt, 1247, Duisburg, 1213, 1279, Düsseldorf, 1288. These towns must be a fairly representative selection, seeing that they cover Germany from Pomerania and Bohemia on the east to the Rhine on the west, and from the Baltic to Switzerland; but most of the documents date from the second half of the thirteenth century, and are therefore outside the period covered by the British charters; but if we were to confine ourselves to the German charters prior to 1216, we should have little to quote.

In studying these German documents, it will be well to follow the method adopted in our study of the English and French charters, and divide the privileges under seven sections.

With regard to the formation of the borough, the most important difference between England and Germany is found in the consistent practice of the German draftsmen in personifying the city as the recipient of lands and laws and privileges: we have already referred to this point, but possibly it will be as well to print two clauses from the Brandenburg charter of 1315:

"Damus igitur predictae nostrae civitati Brandenburg hanc prerogativam specialem...

"Ceterum damus saepedictae civitati et liberum concedimus campum seu spatium a civitate usque ad vallem quae vocatur Bornelake ut in ipso spatio pascua suis pecoribus habeant licite."

("We therefore give to our aforesaid city of Brandenburg this special prerogative...

"Moreover we give to the oftmentioned city and freely grant the plain or space from the city to the valley which is called Bornelake, that in the same space they may lawfully have pasture for their herds.")

Many of the charters contain clauses conferring on the donees the customs and laws of other towns, and the Brandenburg charter contains a clause that all the cities and towns in "our" dominions (*i.e.* the dominions of John, Margrave of Brandenburg) should repair to Brandenburg and accept their laws and decisions (c. 2). This is in accordance with the recognised practice in Germany where the court of the metropolis decided appeals from the courts of its affiliated towns¹.

¹ Gross, *Gild Merchant* 1 275—284.

At Corbach, however, it was laid down that there was no appeal from the decision of the court of the city.

The question of burgage tenure assumes more importance in the German charters than in the French; a shilling rent was found at Diessenhofen (c. 1) and a rent of 4s. at Damm (c. 3). At Bodenwerder (c. 23), Braunsberg and Diessenhofen (c. 7) the burgess was at liberty to sell his house; the kin's right of pre-emption was allowed at Dortmund (customal c. 17) but disallowed at Deutschbrod (c. 55); and sales of burgages to religious houses were forbidden at Braunsberg, Deutschbrod (c. 64), Dirschau (1260), Buchhorn (1299, c. 6) and Dortmund (c. 31). At Deutschbrod, the child who became a monk or a nun was refused all share in his or her father's property (c. 46). In two German charters is found a clause which I have not found in England or France, a provision that no burgage should be sold to a knight (Buchhorn, 1299, c. 6, Bozen, 1211): and at Diessenhofen, no knight could be admitted a burgess without the consent of the burgesses (c. 12). But the German charters contain no clauses forbidding the admission of the men of certain lords to the borough franchise, such as are found in the French charters. The prescription of a year and a day as the term which gave a good title to the landholder is found at Brunswick (1227, c. 9), Bremen (1186, c. 3) and Buchhorn (1299, c. 5). The customal of Deutschbrod (c. 58) provides that if a man pledged his inheritance for debt, after certain proclamations, the judge was to deliver the property to the mortgagee for a year and a day, at the expiration of which time it was to be adjudged to him, unless in the meantime he had received "fruit," in which case the debtor retained a right to redeem. At Bremen (1186, c. 2) an inheritance remained under the Imperial ban for a year and a day, so that it might be claimed by the heir: at Bodenwerder it was retained by the judge for the same period (c. 24). At Breisach (1275, c. 7) the burgesses had liberty of marriage: and at Brühl the best horse appears to have been the heriot, for it was provided that the lord should not take more for its redemption than a mark (c. 30).

The German charters contain fewer express exemptions from feudal dues than do the French, but at Aix there was a provision that no burgess should be compelled to perform any *corvée* that would prevent his return home at night (1215); and the townsmen of Dusseldorf were acquitted of their works in autumn (c. 1).

As in the British Isles and France, the freedom of Brunswick (1227, c. 8), Breisach (c. 20), Bremen (1186, c. 1), Brühl (c. 3),

Diessenhofen (c. 17) and Düsseldorf (c. 12) was acquired by residence in these towns for a year and a day.

Common, again, to all three countries, was the rule exempting the burgess from pleading or being impleaded outside his borough; this rule is found at Bamberg (1224), Buchhorn (1275, c. 3), Brandenburg (1315, c. 14), Deutschbrod (1278—90), Dornstetten (1278), Dortmund (1220), Duisberg (1290, c. 6) and Düsseldorf (1288, c. 11): but at the last mentioned town, a burgess could be compelled to answer at his lord's court for theft, homicide and rape, when he was to be accompanied by one of the scabins. Corresponding to these clauses, were "non-intromittat" clauses, forbidding the intrusion of others than the judge of the city, at Buchhorn (1299, c. 1) and Brühl (1285, c. 26): at Bamberg there was a similar clause in favour of the Bishop (1103). The burgesses of Bodenwerder (1287, c. 9), Dortmund (1220), and Brühl (1285, c. 4) were exempted from trial by battle, except in cases of wounding and homicide at Brühl; but many of our documents contain elaborate regulations for the conduct of duels, and at Düsseldorf (1288, c. 8) the lord was permitted to convict men of crime by his champion.

Like the French charters, many of the German documents contain elaborate scales of fines for various offences, but I have not found a clause, like those which were so common in England, and were found at Soissons and Orleans, limiting the fines to a certain sum whatever might be the offence. On the other hand we find resemblances to the French charters in the allowance of the "lex talionis" at Bodenwerder (c. 7) and Diessenhofen (c. 21), and the destruction of the offender's house at Breisach (c. 1) and Diessenhofen (c. 21), where this was the appointed penalty if a man fled after committing homicide: the house might be rebuilt by the offender's heir after the expiration of a year on payment of £10 at Breisach and 60s. at Diessenhofen; and this penalty was allowed at Brühl (c. 10) for the offence known as "schymberthet" (*i.e. delictum evidens seu manifestum*).

As in the municipal charters of France, so also in those of Germany, we cannot find the English method of compelling the appearance at the borough court of a debtor from another town by distraining on the goods of his neighbour. The citizens of Buchhorn were authorised to seize the pledges of their debtors living outside the city for their debts on obtaining license from the judge (1275, c. 8), but this power is very different from those contained in the English charters. And, like the French, the German charters contain many clauses forbidding suits on market days (*e.g.* Aix 1166, *b*), where the English charters forbid distress.

Passing on to the mercantile privileges of the burgesses, we find that freedom from toll was granted more frequently than in France, but the districts over which this freedom was granted appear to have been more restricted than in England: however, at Aix (1166), Dortmund (1220), Brunswick (1199), and Duisberg (1290, c. 1) it extended over the whole dominion of the Emperor. But more frequently, these grants are grants of exemption in smaller areas, as when Otto, Duke of Brunswick, in 1247, granted to the burgesses of Duderstadt exemption from toll in the city of Brunswick. And neither in France nor in Germany do we find any provisions authorising the burgesses of any town to make retaliation on the burgesses who had wrongfully taken toll from them. The charters of Aix (1166, c. 3) and Donauwörth (1030) contained clauses guaranteeing safe access to markets and fairs, similar to those found in English charters. The goldsmiths of Brunswick received a charter granting them the monopoly of their craft; and there were many craft guilds at Basle.

The German charters are less favourable to the trading classes than are the French; but the monopoly of the sale of wine was secured to the burgesses of Brühl (1285, c. 18) and no tavern was allowed within one mile of Brieg (1250, c. 13).

In none of the German charters that I have examined have I found any clause granting the borough to the burgesses at farm, but many of them contain provisions dividing the fines between the lord and the city, or sometimes between the lord, the judge and the city.

On the other hand, at least nine of them contain clauses relative to the election of officials, but, as in France, these officials are judges or doomsmen first, and administrators afterwards. At Brühl, the inhabitants were empowered to elect seven scabins, but any vacancy in their number caused by death was filled by the survivors co-opting a successor (c. 1); these scabins were the magistrates of the town, and no one was to be imprisoned except by their order (23) and except in certain cases they were the only competent witnesses (16); they also fixed the assise of bread and beer (21). At Düsseldorf there were eight scabins, and on the death of any of them, the townsmen elected three persons, one of whom was chosen by the lord to fill the vacancy (c. 2): at Andernach the number of the scabins was fixed at 14 (1171) and in the parish of Nietherich at Cologne, twelve persons were appointed as senators of the parish to declare the law in the pleas (p. 526). At Bodenwerder, the founder of the town empowered the citizens to elect one of their number to be the advocate, subject to their

lord's approval (c. 1), and a similar power was conferred on the citizens of Brunswick, but in this case the lord's consent was not required; here the advocate was entitled to retain for himself one-third of the fines, and pay the balance to the city (c. 3); and the citizens were to have their consuls as they were wont. At Bremen, too, the burgesses were empowered to elect their consuls as of old (1246, c. 15). At Duisberg there were twelve scabins, and at the death of any of them, the survivors elected his successor whom they presented to the advocate and scultetus for confirmation (1248, c. 2).

(c) The Latin Kingdom of Jerusalem¹

Strictly speaking, no reference should be made in these pages to the towns in the Latin kingdom of Jerusalem, for, with the few exceptions hereafter noted, no charters were granted to the inhabitants of these towns; but there is in existence a Book of Assises of the Court of Burgesses containing the law administered by the Courts of Burgesses in every town in which they were established. In this book nothing is said of the origin of the Court or of the laws administered therein, but Jean d'Ibelin distinctly states that the laws were made by Duke Godfrey and his successors (Introd. p. 8, Dodu, p. 277), and the editor thinks that the codification of these laws was commenced by Amaury I and completed by his son Baldwin IV (*Id.* 10) and that the code dates in its present form from between the years 1173 and 1180 (*Id.* 37). But it is clear that the assent of the burgesses was required for the enactment of these laws, as an ordinance of Baldwin I as to street sweeping could not be enforced as the burgesses had not given their consent (c. 303, Dodu, 274).

The existence of this code calls attention to one important difference between the towns of western Europe and those of Palestine; in

¹ The *Livre des Assises de la Cour des Bourgeois* is contained in the second volume of Laws in the *Recueil des Historiens des Croisades*, for which it was edited with an Introduction by M. le Comte Beugnot: this Introduction is cited as Introd. and the assises are cited by chapters. The writings of Jean d'Ibelin are printed in the first volume of the Laws and are cited as Lois 1. A few Charters are printed as an appendix to Vol. II which is cited as App. Dodu's *Histoire des Institutions Monarchiques dans le Royaume Latin de Jerusalem* (cited as Dodu) contains a full account of the origin and powers of the Court of Burgesses, but says little of the law administered by it. I have also consulted the *Cartulary of the Holy Sepulchre* (cited as Cart. S.S.) in *Bibliotheca Patrum Latinorum*, vol. 155, p. 1106, and the *Cartulary of Notre Dame de Josaphat* (*Bibliothèque des Écoles Françaises d'Athènes et de Rome*, no. 19). The *Revue de l'Orient Latin* contains nothing relating to the towns of Palestine, or the Court of Burgesses.

Europe, every town, or almost every town, had its own code of law, for the charters of the affiliated towns usually differed from their exemplars in some particular or another: but in Palestine, one and the same code of law applied to every town throughout the length and breadth of the kingdom. And, while in Europe, the town was usually distinguished from the village by the possession of a charter defining the rights and duties of its inhabitants, in Palestine, where there were no municipal charters, the distinction was shown by the existence in the towns of Courts of Burgesses, in which twelve burgesses were the judges both of law and of fact (c. 12), and the vicomte of the King or the lord was the president. Jean d'Ibelin gives a list of 37 towns possessing Courts of Burgesses, of which 33 were situate on the fiefs of the King's vassals (Lois I 419), and only four—Jerusalem, Nablûs, Acre and Darum—were directly dependent on the King. But Jean d'Ibelin does not include in his list any town in the great fiefs of Tripoli, Antioch and Edessa.

The code contains 304 chapters, most of which have no parallel in any of our British charters: much attention is given to the various forms of contract: thus, chapters 87—105 deal with letting and hiring—*locatio, conductio*; chapters 111—113 with partnership, 114—118 with agreements, 158—183 with marriage and the husband's liability for his wife's contracts and torts, and there are ten chapters (203—212) dealing with the rights of freedmen and their patrons. It would be interesting to compare these chapters with the corresponding chapters of Justinian's legislation, or perhaps with the modifications of that legislation adopted by the later emperors of Byzantium. That this legislation was known to the jurists who compiled our code is shown by their quotation of the definition of justice contained in the Institutes, "Justitia est constans et perpetua voluntas jus suum cuique tribuens" (c. 1), and by other quotations from the Institutes, Code and Digest¹.

The only Palestinian charter which appears to have any affinity with the charters of western Europe establishing boroughs is that by which in 1168 the Warden of the Hospital with the consent of his chapter ratified a charter of his predecessor given before 1153, and granting to 32 named burgesses of Begebelin certain plots on which they might erect houses, and two ploughlands each, reserving to the Hospital the terrage, tithes, justice and customs arising from the land, and also one half of the booty the burgesses might obtain when raiding the Saracens (App. p. 528). The burgesses were to observe

¹ See the editor's note pp. 57, 67, 79, 81, 123, 144, etc.

the judgments of Jerusalem, and certain other regulations which will be referred to in their appropriate places: but the charter does not establish a Court of Burgesses nor confer any rights of self-government on the grantees. Now, one of the towns mentioned by Jean d'Ibelin as possessing a Court of Burgesses was Bethgibelin, and, as Rey¹ says that the Hospitallers had a castle at Bethgibelin, I am inclined to identify the Begebelin of the charter with the Bethgibelin of Jean d'Ibelin, and to see in this charter either the foundation of the bourg of Bethgibelin, which was immediately followed by the establishment of a Court of Burgesses, or the conferment of additional lands and the definition of the liabilities attached to these lands.

When we come to compare the Assises of the Court of Burgesses with the municipal charters of western Europe, the first point to attract our attention is that the code contains no clauses releasing the burgesses from feudal dues—our tenurial privileges (II B): the burgesses of Palestine do not appear to have been subject to heriot or relief, merchet or leirwyte, nor is there any evidence in the Assises that any lord had any control over the marriages of their womenfolk: widows, however, were forbidden to re-marry within a year and a day of the death of their first husband (c. 166—8), and in Cyprus, the burgesses were forbidden to give their daughters in marriage to knights (Dodu, 275). There is no reference to suit of mill or oven, but ovens were valuable properties, for, in 1114, Baldwin I gave to the Canons of the Holy Sepulchre all the ovens in Jerusalem except three (Cart. S.S. no. 29): this gift, however, is no evidence that the burgesses owed suit of oven, for, in a hot climate, it must have been a convenience to bake one's bread away from one's house. The same Canons received a grant from Cecily, Countess of Tripoli, that they might bake whatever they wished in their oven on the Pilgrims' Mount (*Id.* no. 92). It was only in the case of houses built on land leased by a lord, that the lord had any right of pre-emption, and was entitled to purchase at the same price as was offered by any other person (c. 260). The Begebelin charter provided that the Hospital should be preferred to any other purchaser by a reduction of one rabouin in the price (App. 528).

It may be suggested that these differences from the municipal laws of Europe are due to the fact, that, while in Europe many of the burgesses were enfranchised villeins or descendants of such, in Palestine, the original burgesses had either served in the army of

¹ *Colonies Francques en Syrie*, p. 384.

conquest or had followed its camp, and by so doing had severed all connection with their feudal superiors: and these were reinforced by colonists who had already acquired their freedom. But we shall see that these same differences are found in our two Spanish documents.

In all cases, if a man sold a house, the heir was entitled to redeem within seven days (c. 30), and the same time limit was fixed in Oleron¹. As in so many European charters, undisturbed possession for a year and a day gave a good title to the possessor (c. 31). Wills of land were allowed if they were made in the presence of two lay witnesses, but for a will of moveable property the evidence of the priest, the clerk and two lay witnesses was required (c. 185), and the landed property of a man who died without children passed to his widow (c. 186). But a widow might challenge to a duel the witnesses of a will of a house of more than a mark in value. Sales of burgages might be made either in open court or before witnesses (c. 228), but the code contains conflicting statements as to the amounts of the dues payable on sales: c. 31 states that the due was one mark on a house that paid rent to the King and three besants on a house that was free; but c. 302 fixes the amount at one besant and one rabouin, and a third tariff is established by the Begebelin charter.

The Palestinian code contains no chapters dealing with the burgess franchise and its acquisition, but it might here be noted that the Court of Burgesses dealt only with men of European descent; cases arising between Christians and natives and between natives were tried in the court of the fonda (c. 241) in which the Christian master was usually represented by a Saracen interpreter or dragoman; if the latter was convicted of cheating his master, he was liable to be hanged (c. 291). Until a boy was 15 years of age, he was in the power of his father who was answerable for his debts and torts (c. 218). A later version of the code, the *Abrégé*, which was prepared for the kingdom of Cyprus in the 14th century, forbids the sale of a burgage to a knight or a clerk (c. 24), but this chapter is not found in the Assises of Jerusalem, which, however, forbade the reception against a layman of the evidence of a priest or man of religion (c. 152). But in a lease of certain vineyards to the burgesses of Mahumeria the Canons of the Holy Sepulchre forbade the sale of any of them to a Templar or a Hospitaller or a man of religion (Cart. S.S. no. 135), and a similar clause is found in the Begebelin charter.

¹ *Black Book of Admiralty* II 265.

Passing on to the chapters of the code dealing with litigation and jurisdiction, we find no exemption of the burgesses from being impleaded at any court other than that of the town in which they resided, but suits for burgages must be brought in the town in which they were situate (c. 224). The two prescribed methods of trial were ordeal by hot iron and the judicial duel: lame men were allowed champions (c. 149), and it was the duty of the King or the lord of the town to provide a champion to fight against a man who was accused of the murder of one without relatives (c. 274); but the testimony of two eye-witnesses would convict a murderer without recourse to either ordeal or duel (c. 265). Contrary to some of the French charters, the evidence of the vicomte or jurats was forbidden in any case (c. 142). In suits by and against natives, the plaintiff was required to produce two witnesses of the race or religion of the defendant before he could succeed (cc. 61—5). As in European charters, there was a nicely regulated tariff of fines for various offences (cc. 295—301), but neither the destruction of a man's house as penalty for his crimes nor the "lex talionis" are mentioned in the code: for certain offences however the culprit's fist was cut off (cc. 269, 290), and hanging (c. 265), burning alive (for arson) (c. 284) and mutilation (for rape) (c. 134) were other authorised punishments. If a man could not pay his debt, the court delivered him to the creditor as a slave (c. 58), but he could be redeemed by a third party, who, however, was obliged to keep him in prison if he owed other debts (c. 66). If he so desired, a burgess was allowed to sell himself into slavery on account of his poverty, but if a Christian were sold into slavery against his will, the vendor was hanged (c. 209). Like those of the continent, the burgesses of Palestine were ignorant of the British method of distraining on the goods of a non-burgess or on those of his neighbours to secure payment of his debts.

A few charters of the code refer to merchants and trading: there are two tables of tolls on the entrance of certain articles into the towns (c. 242—3); but in 1120 King Baldwin granted a charter abolishing the tolls payable on wheat, corn and pulse, entering the city of Jerusalem (Cart. S.S. no. 45), and another releasing the tolls on all clothes and other goods brought by pilgrims into the port of Acre which were under 40 besants in value, and also the tolls on goods over that value if they were for the personal use of the pilgrims (*Id.* no. 46). I have not found any charters releasing the burgesses of any town from payment of tolls in other towns, but Count Raymond of Tripoli in 1140 gave the Canons of the Holy Sepulchre the

privilege of importing and exporting their goods free of toll in the port of Tripoli (*Id.* nos. 93, 94). Suits by and against mariners were only cognisable in the Courts of the Chaine which were established in every seaport; to them a special code of law was applicable, which did not allow trial by battle (cc. 43-9)¹.

No mention is made in our document of any merchant or craft guild, nor is there any evidence that the burgesses of any town had a monopoly of its trade: but some of the authorities mention confraternities under the protection of various saints which had much influence in the later years of the kingdom (Introd. 30). We have no evidence that the burgesses of any town had a lease of that town, nor that as a body they elected any officials, for the twelve jurats appear to have been appointed by the King or the lord of the town (Dodu, 285): needless to say, communes, in the French and Flemish style, were unknown in Palestine (Introd. 27).

On the other hand, the merchants of Genoa, Pisa, Marseilles and other European ports established colonies and possessed quarters in some of the seaports of the kingdom, in which they possessed more or less restricted powers of jurisdiction; the code dignifies these colonies with the name of commune, but lays down that the court of the commune had jurisdiction over its members only in cases of contract and debt and not in suits relating to burgages, nor in criminal pleas, such as murder, treason, larceny and heresy (c. 147).

One of the most important liabilities of some of the burgesses of Palestine, is not recorded in the Book of Assises, but is revealed by Jean d'Ibelin, whose list of towns possessing Courts of Burgesses has already been quoted: for he tells us that certain towns were liable to furnish contingents, both of knights and sergeants; these may be tabulated as follows (Lois I 422, 426):

	Knights	Sergeants		Knights	Sergeants
Jerusalem	41	500	Ramleh	—	
Nablûs	35	300	Ibelin	—	150
Acre	80	500	² Mirabel	—	
Darum	2	—	Arsur	—	50
Tyre	28	100	Cayphas	—	50
Cæsarea	—	50	Thabarie	—	200
Jaffa	—	100	² Le Lyon	—	100
Ascalon	—	150	² Le Geron	—	100

¹ See also *Black Book of Admiralty* IV 498.

² These towns are not recorded as possessing Courts of Burgesses.

But our writer goes on to give the names of the persons who were liable to find the knights required from Jerusalem, Nablûs, Acre, Darum and Tyre, showing that the knight service was not a communal liability. On the other hand, the heading of the chapter recording the numbers of the sergeants reads "Ces sont les aides que les yglises et les borgeis deivent quand le grant besoin est en la terre dou reiaume de Jerusalem" (Lois I p. 426), and this rubric probably indicates a communal liability like that of Oxford in the eleventh century, "When the King went on an expedition, 20 burgesses went with him for all the others¹." It will be noticed that this list contains the names of only 13 of the 37 towns possessing Courts of Burgesses, and that of these thirteen, only four—Jerusalem, Nablûs, Acre and Darum—were directly subject to the King, the others being subject to his vassals.

Finally, it is to Jean d'Ibelin that we owe our knowledge of a most interesting coincidence between Oxford and Jerusalem; Henry II's charter to Oxford provided that at his coronation the citizens should serve at the banquet with those of his buttery (p. 99): Jean d'Ibelin tells us that "on that day the burgesses of Jerusalem served the tables (at the coronation banquet), for that is the service they owe to the King" (Lois I p. 31).

(d) Teruel and Cuenca

The *fueros* or constitutions of these two cities, the former being situate near the frontiers of Aragon, and the latter about the same distance from those of Castile, are, in most points, exactly the same, and served as exemplars for the constitutions of many towns in Spain; but they differ so much from the municipal charters of north-western Europe that a slight examination of their contents will afford an interesting comparison. The *fuero* of Teruel is the earlier, dating from the year 1176; the date of the *fuero* of Cuenca cannot be exactly fixed, but it lies between the years 1189 and 1211. Following the scheme which we have adopted in our codification of the British charters, we begin by noting that the burgesses (though this term is not used in either document) had full power of selling their landed property (T. 289, C. II 1), but that sales to monks were forbidden (T. 289, C. II 2), although at Teruel a man might, with the consent of his family, give his property for his soul; at both cities, the kin's right of pre-emption was secured by the provision that a man who wished to sell his house, should have it "cried" through the town for a certain period during which a kinsman might purchase at the same

¹ D.B. I 154 a 1.

price as the proposed purchaser ; this period was three days at Cuenca (xxxii 4) but three Sundays at Teruel (289). At Cuenca, undisturbed possession for a year and a day gave an incontrovertible title (VII 10), but I cannot find any similar provision in the *fuero* of Teruel. The burgesses' right to make a will is implicitly acknowledged in both cities (T. 312, 336, 337, C. x 10, XI 28, 29). The constitutions contain elaborate provisions regarding the expeditions of the burgesses, and the division of any booty they might capture (T. 426—452, C. xxx xxxi), but it was also specified that at neither place were the inhabitants under any obligation to go on expedition beyond specified limits and without the company of the King himself (T. 7, C. i 17). I can find no provisions relating to the acquisition of the burgess franchise by residence for a year and a day, but in neither city could a man be elected judge who had not possessed a horse and a house for the preceding year (T. 59, C. xvi 3). The arrangements for trial by battle were most elaborate (T. 214—236, C. xxii), as were the provisions for distraining on defendants who were sued for debt (T. 133—162, C. xvii, xviii), but this distraint was a means of compelling a defendant to appear in court; a debtor who had no house in the town was obliged to find sureties (T. 163, C. xix): and therefore it would seem that the British method of compelling a foreign debtor to appear at the court of the borough by distraining on him or his neighbours was unknown. The debtor who could not pay his debt was kept in captivity (T. 193, C. xxiii 21) apparently by his creditor (T. 196, C. xxiii 24), and if he was allowed out of his creditor's house, he was liable to be seized by his other creditors (T. 199, C. xxiii 27). Unlike the French charters allowing the "*lex talionis*," these *fueros* contain elaborate scales of fines to be imposed on the man who caused another to lose a limb (T. 386—397, C. xii 4—18); at Cuenca, the house of the murderer who fled the town was destroyed (xi 20). Other punishments were hanging, burning alive, and burial alive (T. 365, 374, C. xi 17, 18, 29, 41, etc.), and the man who assaulted or killed the lord of the city or betrayed the city was torn limb from limb (T. 30, C. xi 19). The citizens of both cities were allowed to elect a judge and other officers (T. 58, C. xvi), and Teruel was farmed by the citizens for 4000 shillings a year (T. 8).

But to one who is acquainted with the municipal charters of Great Britain, France and Germany, these *fueros* are most remarkable for their omissions, that is, for their lack of many of those clauses which appear to have been the most valuable in the former countries; here we have no tenurial privileges or exemptions of the burgesses from

the rights of a feudal lord; it is evident that the burgesses were not bound to grind their corn at any soke-mill, for any person was at liberty to build a mill so long as he did not interfere with the supply of water to the mills which were built before his (T. 294, C. VIII). The burgess was not exempted from tolls in other towns, nor does he appear to have had any monopoly of trade within his own city: there is no clause exempting him from pleading before external courts, or prohibiting other justices from intruding into the city. And these clauses which are wanting in the *fueros* of these two cities are exactly those that are not to be found in the Assises of the Court of Burgesses of Jerusalem.

In one respect, however, these *fueros* are superior to the other charters that we have been studying; they contain regulations concerning sanitary matters; there were regulations for the public baths (T. 291, C. II 32) and imposing fines on those who dirtied the streets (T. 108) and on those whose sanitary arrangements were a nuisance to their neighbours (T. 420, C. XIII 19)¹.

(e) Summary

It is not easy for one to carry in one's mind all the combinations of these municipal privileges contained in the charters of the different countries; a tabular statement always assists the memory and below is printed a list of certain municipal privileges with indications of their

	British	French	German	Jerusalem	Teruel and Cuenca
Liberty to sell burgages ...	C	—	—	—	—
Sales to religious houses forbidden	C	R	F	R	Both
Preemption by lord ...	R	U	U	X	U
„ „ kin ...	F	R	F	X	Both
Possession for year and day ...	C	C	C	X	Cuenca
Limitation of lord's credit ...	F	F	U	U	U
Franchise by year and day ...	C	C	C	U	U
No external pleas ...	C	F	F	U	U
Trial by battle ...	Forbidden	C	C	X	Both
Distrain on foreign debtors ...	C	U	U	U	U
Freedom from toll ...	C	R	R	U	U
Firma burgi ...	C	R	U	U	Teruel
Destruction of house ...	R	C	C	U	Cuenca
Lex talionis ...	U	C	C	U	U
Monopoly of trade ...	F	U	R	U	U

¹ The *fuero* of Teruel is published in the *Coleccion d' documentos para el estudio d' la historia d' Aragon*, and that of Cuenca in the *University Studies* published by the University of Cincinnati. Mr H. W. C. Davis has reviewed both these books in the *E.H.R.* (1908, p. 766, 1911, p. 168).

appearance in different countries: any exact statement is impossible, but a rough statement showing which privileges are unknown (U) in the charters which have been examined, which are rare (R), which are frequent (F) and which are common (C), is all that can be attempted. The letter X in the column referring to the laws of the burgesses of Jerusalem shows that the privilege in question is contained in those laws.

The important point that is brought out by this table is the great difference between the charters of north-western Europe on the one hand and the laws of Jerusalem and the two Spanish *fueros* on the other. Evidently, certain legal doctrines were common to the municipalities of the British Isles and of France and Germany. In all three countries the burgesses of many places were able to secure exemption from pleading or being impleaded at any courts other than those of the borough or town; in all three countries there were towns in which possession for a year and a day gave secure titles to the owners of landed properties; in all three countries there were many places in which the borough franchise was acquired by residence for a year and a day, and in all three countries there were towns in which a man's kin had originally some voice in the disposition of the property which he had acquired by inheritance. At the risk of laying myself open to the accusation of exaggerating parallels, it is interesting to point out a tendency to anticlericalism in the burghal laws: in many places in England and Germany the burgesses were forbidden to sell houses in their towns to members of religious houses, and in France it was a general rule that no clerk could be a member of a commune: but all these rules were probably the result of the claim of the clergy to be exempt from the ordinary tribunals and to be answerable only to the clerical courts. Again in all three countries, charters were granted to craft guilds securing the monopolies of these crafts to the members of the guilds: but, judging from the municipal charters, the merchant guilds of the continent never acquired the influence of those of the British Isles.

On the other hand, it must be pointed out that archaic law survived on the continent later than in the towns of these islands: here, with few exceptions, the burgesses were exempted from trial by battle¹: there, with fewer exceptions, it was the general rule; here, no charter even mentions the *lex talionis*—"an eye for an eye and a tooth

¹ Trial by battle was introduced into England by William the Conqueror and is unknown to pre-conquest jurisprudence.

for a tooth " ; there, this law is sanctioned in very many towns ; and in France the inhabitants of some towns were allowed to levy private war against their neighbours who had offended them. These continental survivals of archaic law suggest that, in the twelfth century, English municipal life was more advanced than that of the continent, a suggestion which is supported by the fact that the burgesses of some English towns secured the right of farming their boroughs, and therewith the right of administering their own affairs, some half a century before this right was acquired by any French town, while not even in the following century was this right acquired by any of the German towns whose charters we have examined.

TABLE SHOWING CONTENTS
OF CHARTERS

[illegible]

[illegible]

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	4	
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[illegible]

WALES

[illegible]

	I	II		III	IV. Jurisdictional Privileges					V. Mercantile Privileges		VI	VII
	Forma- tion of Borough	A Burge Tenure and Law of Real Property	B Tenural Privileges	Bur- gess Fran- chise	A Courts	B Modes of Trial	C Pro- cedure	D Punish- ments	E Dis- tress	A Markets and Tolls	B Guilds and Trading	Borough Finan- ces	Borough Officers

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...	1187-99	1
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...	1140-53	2	1 (c)

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BOROUGH CHARTERS

I. FORMATION OF BOROUGH

(1) License to create Borough¹

EDINBURGH (Canongate), 1124—53. (David I to Monks of Holyrood.) Concedo et eis herbergare quoddam burgum inter eandem ecclesiam et meum burgum.

(I grant also to them that they may build a burgh between the same church and my burgh.)

GLASGOW, 1175—7. Sciatis...me concessisse...Deo et Sancto Kentegerno et Jocelino episcopo Glasguensi et singulis ejus successoribus in perpetuum ut burgum habeant apud Glasgu.

(Know ye...that I have granted...to God and St Kentegern and Jocelin, Bishop of Glasgow, and all his successors for ever that they may have a burgh at Glasgou.)

ARBROATH, 1211—4. Dedi et concessi eisdem (abbati et conventui de Aberbrothoc) licentiam et libertatem faciendi burgum et habendi portum et habendi forum unaquaque die sabbati in eadem terra.

(I have given and granted to them license and liberty to make a burgh and have a port and have a market every Saturday on the same land.)

In the following pages, any clause which appears in more charters than one is printed from the earliest charter in which it appears, and the other charters are noted with their variations; but among such variations no notice is taken of

- (1) The interchange between *burgus* and *civitas*, or *burgensis* and *civis*, or place-names.
- (2) The change from the singular to the plural in the Royal Style after the accession of Richard I.
- (3) Any variation in the order of the words, unless such variation produces a change of meaning.
- (4) Any change in conjunctions, e.g. *etiam* for *insuper*, and the like.

When a charter is the grant of a mesne lord, the name of the town to which it was granted is printed in italic capitals.

¹ For recital of License to create Borough, see Burton on Trent II 1, p. 42, Beverley I 8, p. 23, Morpeth I 8, p. 21, St Andrews I 2, p. 2.

(2) Creation of Borough

ST ANDREWS, 1140—53. Robertus dei gratia Sancti Andreae humilis minister...Innotescat dilectioni vestrae nos Deo auxiliante et licentia Regis nostri David burgum apud Sanctum Andream in Scotia statuisse.

(Robert by the Grace of God, the humble minister of St Andrew.... Be it known to you, beloved, that by the aid of God and the license of David, our king, we have established a burgh at St Andrews in Scotland.)

WELLS, 1174—80. Concedimus ergo juxta tenorem cartae predecessoris nostri piaie memoriae Roberti episcopi villam Welliae burgum esse in perpetuum et eisdem finibus quibus in eadem carta diffinitum est et prescriptum.

(We therefore grant according to the tenor of the charter of our predecessor, Bishop Robert, of blessed memory, that the town of Wells be a borough for ever, and have the same boundaries, with which, in the same charter, it is defined and prescribed.)

WELLS, 1201. Quum in preterito cognovimus predecessores nostros a multis retro temporibus in augmentum honoris dignitatis et reddituum suorum et omnium sibi succedentium concessisse burgensibus nostris de Wellis jure perpetuo libertates et liberas consuetudines burgensium et burgorum plenariis libertatibus gaudentium, Nos eorum vestigiis inhaerentes considerantes etiam et cum diligentia attendentes honestum et plurimum laudabilem eorum fuisse intentionem quod circa statum burgi illius meliorandum et in libertatem majorem provehendum habuisse dinoscuntur, libertates omnes et liberas consuetudines burgensium et burgorum qui plenarias habeant libertates burgo de Wellis et burgensibus universis et singulis infra terminos subscriptos mansionem habentibus plene et integre concessimus in perpetuum, statuantes etiam et jure perpetuo concedentes ut totum territorium subscriptum liberum sit burgum et plenariis ut diximus gaudeat libertatibus...(here follow boundaries).

(Whereas we have learnt that from times long past our predecessors have, to the increase of the honour and dignity and rents of themselves and of all their successors, granted to our burgesses of Wells, by perpetual right, the liberties and free customs of burgesses and boroughs enjoying full liberties, We, following in their footsteps, and seeing after careful consideration that the intention was honourable and very praiseworthy which they are seen to have had concerning the improvement of the state of the town and the increase of its liberty, have granted all the liberties and free customs of burgesses and boroughs enjoying full liberties to the borough of Wells and to all and singular the burgesses having a habitation within the underwritten bounds, fully and completely, for ever, decreeing also and granting with per-

petual right that the whole of the underwritten territory be a free borough and enjoy, as we have said, full liberties...(here follow the boundaries.)

AYR, 1202—7. Willelmus Dei Gratia Rex Scottorum.... Sciatis me ad novum castellum meum super Are burgum fecisse.

(William by the Grace of God, King of the Scots.... Know you that I have established a burgh at my new castle upon Ayr.)

(3) Grant of liber burgus

DUNWICH, 1200. Quod burgus de Dunewyche sit liber burgus in perpetuum.

(That the borough of Dunwich be a free borough for ever.)

BRIDGEWATER, 1200. Sciatis nos concessisse...dilecto et fideli nostro Willelmo Briwerr quod Brugewalter sit liberum burgum.

(Know ye that we have granted to our beloved and loyal William Briwerr, that Bridgewater be a free borough.)

HELSTON, 1201, April 15. Quod burgus noster de Helleston sit liber burgus.

(That our borough of Helston be a free borough¹.)

WELLS, 1201. Quod Welles in Somerset sit liber burgus.

(That Wells in Somerset be a free borough.)

LYNN, 1204 (c). Noveritis nos ad instantiam et petitionem venerabilis patris nostri Johannis Norwiciensis episcopi secundi concessisse...quod villa de Lenna sit liber burgus inperpetuum.

(Know ye that we, at the instance and petition of our venerable father, John the second, bishop of Norwich, have granted that the town of Lynn be a free borough for ever.)

LYNN, 1204 (a). Line 3. *For villa read burgus.*

LYNN, 1204 (b). Line 3 only.

CHESTERFIELD, 1204. (To William Briwerr.) Quod eadem Cestrefeld sit liber burgus.

(That the same Chesterfield be a free borough.)

CHESTERFIELD, 1213. (To Richard Briwerr.)

CHESTERFIELD, 1215. (To William Briwerr, father of Richard.)

STAFFORD, 1206. Quod villa de Staffordia sit liber burgus in perpetuum.

(That the town of Stafford be a free borough for ever.)

YARMOUTH, 1208. Quod ille burgus sit liber burgus in perpetuum.

(That that borough be a free borough for ever.)

¹ TOTNES 1206. See critical note.

(4) Ratification of Customs of Domesday Boroughs

LONDON, 1066—75. Willelm kyng gret Willelm bisceop 7 Gosfregð portirefan 7 ealle þa burhparu binnan Londone, Frencisce 7 Englisce, freondlice. 7 ic kyðe eop, þæt ic pille, þæt get beon eallra þæra laga peorðe, þe gyt pæran on Eadperdes dæge kynges, 7 ic pylle þæt ælc cyld beo his fæder yrfnume æfter his fæder dæge. 7 ic nelle geþolian þæt ænig man eop ænig prang beode. God eop gehealde.

(William, King, greets William, Bishop [of London], and Geoffrey the portreeve, and all the burgesses within London, French and English, friendly. And I inform you that I will that ye be worthy of all the laws that ye were in King Edward's day. And I will that each child be his father's heir after his father's day. And I will not suffer that any man do you any wrong. God preserve you.)

CHICHESTER, 1135—54. *Praecipio quod burgenses mei de Cicestria ita bene et honorifice et quiete habeant eorum consuetudines et rectitudines de burgo et de Gilda eorum mercatoria sicuti eas melius et honorabilius et quietius habuerunt tempore Rogerii comitis¹.*

(I order that my burgesses of Chichester shall so well, honourably and quietly have their customs and rights of borough and merchant guild as they best and most honourably and most quietly had them in the days of Earl Roger.)

CHICHESTER, March 1155. *Praecipio quod cives mei de Cicestria habeant et teneant bene et in pace et juste et quiete et honorifice omnes illas consuetudines et libertates infra civitatem et extra quas solebant habere tempore Regis Henrici avi mei et nominatim in portubus de Wydering et Horemutha.*

(I order that my citizens of Chichester shall have and hold well and peaceably and justly and quietly and honourably all those customs and liberties within the city and without which they were wont to have in the time of King Henry my grandfather, and especially [their rights] in the harbours of Wydering and Horemouth².)

CHICHESTER, July 1155. *Sciatis me concessisse civibus meis de Cicestria qui sunt de Gilda mercatoria omnes libertates et liberas consuetudines suas infra Burgum et extra ut eas habeant ubique ita plene et quiete et honorifice sicut plenius et honorificentius habere solebant tempore regis Henrici avi mei.*

(Know ye that I have granted to my citizens of Chichester who are of the Merchant Guild all their liberties and free customs within and without the borough that they may have them everywhere as fully and quietly and honourably as they were accustomed to have them in the fullest and most honourable manner in the time of King Henry my grandfather.)

¹ I.e. Roger Montgomery: died c. 1094.

² Now known as Pagham and Chichester harbours.

LONDON, 1155. Has predictas consuetudines eis concedo et omnes alias libertates et liberas consuetudines quas habuerunt tempore Regis Henrici avi mei quando meliores vel liberiores habuerunt.

(These aforesaid customs I grant to them, and all other liberties and free customs which they had in the time of King Henry my grandfather, when they best and most freely had the same.)

LONDON, 1194. Line 3. *For mei read* Henrici patris nostri.

LONDON, 1199. Line 3. As in 1194.

CANTERBURY, 1155—8.

WINCHESTER, 1190. Line 2. *For tempore...mei read* temporibus antecessorum meorum.

WINCHESTER, 1215.

Line 1. *After* has *insert* vero.

For eis read eisdem civibus nostris Wintoniensibus et heredibus eorum.

2. As in 1190.

GLOUCESTER, 1200. Line 2. As Winchester, 1190.

CAMBRIDGE, 1201. Line 2. As Winchester, 1190.

NEWCASTLE-ON-TYNE, 1216.

Line 1. *For predictas read* vero.

For eis read eisdem burgensibus nostris Novi Castri super Tynam et heredibus eorum.

LONDON, 1215. Concessimus etiam eisdem baronibus nostris... quod habeant bene et in pace libere quiete et integre omnes libertates suas quibus hactenus usi sunt, tam in civitate Londoniae quam extra et tam in aquis quam in terris et omnibus aliis locis, salva nobis chamberlengaria nostra.

(We have also granted to our said barons that they may have well and peaceably freely quietly and completely all their liberties which they have hitherto used, both within the city of London and without, both on water and on land, and in all other places, saving to us our chamberlainship.)

WINCHESTER, 1155—8. Sciatis me concessisse civibus meis Wintoniae omnes libertates et consuetudines quas ipsi habuerunt tempore regis Henrici avi mei.

(Know ye that I have granted to my citizens of Winchester all the liberties and customs which they had in the time of King Henry my grandfather.)

LINCOLN, 1157.

Line 2. *After* consuetudines *insert* et leges suas.

Omit ipsi.

3. *After* tempore *insert* Edwardi et Willelmi et Henrici regum Angliae.

BRIDGENORTH, 1157.

Line 1. *For* civibus meis Wintoniae *read* burgensibus meis de Brugia.

2. *Omit* ipsi.

3. *After* avi mei *add* ipsi vel antecessores sui.

SOUTHAMPTON, 1154—66. Precipio quod homines mei de Hantona habeant et teneant gildam suam et omnes libertates et consuetudines suas in terra et in mari ita bene et in pace et juste et libere et quiete et honorifice sicut habuerunt melius et liberius et quietius tempore Regis Henrici avi mei.

(I order that my men of Hampton shall have and hold their guild and all their liberties and customs on land and on sea as well and peaceably and justly and freely and quietly and honourably as they best and most freely and most quietly had them in the time of King Henry my grandfather.)

EXETER, 1154—8. Sciatis me concessisse civibus meis Exoniae omnes rectas consuetudines quas habuerunt in tempore Regis Henrici avi mei remotis omnibus pravis consuetudinibus post avum meum ibi elevatis.

(Know ye that I have granted to my citizens of Exeter all the right customs which they had in the time of King Henry my grandfather, all bad customs created since his time being abolished.)

EXETER, 1189—99. (John Count of Mortain.)

Line 3. *For mei read patris mei Henrici Regis Secundi.*

For avum meum read ejusdem Regis Henrici avi patris mei.

EXETER, 1200. Line 3. *For avi, avum, read proavi, proavum.*

BARNSTAPLE, 1154—8.

BARNSTAPLE, 1200. *As Exeter, 1200.*

YORK, 1154—8. Sciatis me concessisse Civibus meis de Eboraco omnes libertates et leges et consuetudines suas et nominatim Gildam suam Mercatoriam et hansas suas in Anglia et Normannia et lestagia sua per totam costam maris quieta, sicut ea unquam melius et liberius habuerunt tempore Regis Henrici avi mei.

(Know ye that I have granted to my citizens of York all their liberties and laws and customs and especially their Merchant Guild and hanses in England and Normandy and their quittance of lestage throughout the coast of the sea, as they best and most freely ever had them in the time of King Henry my grandfather.)

YORK, 1200. Line 3. *For Mercatoriam read Mercariam.*

5. *For mei read patris nostri.*

OXFORD, 1156. Sciatis me concessisse et confirmasse civibus meis de Oxeneforda omnes libertates et consuetudines et leges et quietantias suas quas habuerunt tempore regis Henrici avi mei nominatim gildam suam mercatoriam cum omnibus libertatibus et consuetudinibus in terris et in silvis pasturis et aliis pertinentiis.

(Know ye that I have granted and confirmed to my citizens of Oxford all the liberties and customs and laws and quittances which they had in the time

of King Henry my grandfather, especially their Merchant Guild with all its liberties and customs in lands and in woods and pastures and other appurtenances.)

BEDFORD, 1189.

Line 3. *For* avi *read* patris.

Line 5. *After* consuetudinibus *insert* suis.

Before aliis *insert* omnibus.

After pertinentiis *insert* suis.

WALLINGFORD, 1156. Sciatis me dedisse et concessisse eis inperpetuum libertates et leges suas omnes et consuetudines bene et honorifice sicut melius et honorabilius eas habuerunt tempore Edwardi regis et tempore atavi mei Regis Willelmi et ejus filii alterius regis Willelmi et tempore Henrici Regis avi mei.

(Know ye that I have given and granted to them for ever all their liberties and laws and customs well and honourably as they best and most honourably had them in the time of King Edward and in the time of King William my great-grandfather and of his son King William the second and in the time of King Henry my grandfather.)

FORDWICH, 1154—75. Precipio quod homines de Fordwico habeant omnes illas leges et consuetudines quas melius habuerunt tempore Henrici Regis avi mei et tempore Regis Willelmi et Regis Edwardi.

(I order that the men of Fordwich have all those laws and customs which they best had in the time of King Henry my grandfather and in the time of King William and King Edward.)

NOTTINGHAM, 1157. Sciatis me concessisse et hac carta mea confirmasse burgensibus de Notingham omnes illas liberas consuetudines quas habuerunt tempore Henrici avi mei: scilicet tol et theam et infangenethef et thelonia a Turmotestona usque ad Newerc et de omnibus Trentam transeuntibus ita plenarie ut in Burgo de Notingham, et ex alia parte a Buito ultra Rempestunam usque ad aquam de Radeford in Northanteshire.

(Know ye that I have granted and by this my charter confirmed to the burgesses of Nottingham all those free customs which they had in the time of King Henry my grandfather, that is to say, toll and team and infangthev and toll from Turmoteston to Newark and from all crossing the Trent, as fully as in the borough of Nottingham, and on the other side from Buito beyond Rempeston as far as the water of Radford in Northamptonshire.)

NOTTINGHAM, 1189.

Line 3. *For* avi mei *read* Regis proavi mei et tempore Henrici regis patris mei sicut carta ejusdem Henrici patris mei testatur.

7. *After* Northanteshire *add* et de Bikeresdic.

NOTTINGHAM, 1200.

Line 1. *After burgensibus read nostris.*

7. *As in 1189.*

DERBY, 1204.

Line 3. *Before habuerunt read burgenses nostri de Notingeham habent et.*

For avi mei read Regis proavi nostri et tempore Henrici regis patris nostri.

4. *Substitute a Douvebrigge usque ad pontem de Cordy et a ponte de Cordy usque ad pontem de Bradeford et a ponte de Bradeford usque ad pontem de Estwayt, sicut habere solent.*

5. *For Trentam read Derwentam.*

NORWICH, 1158. Sciatis me concessisse et...confirmasse burgensibus meis de Norwico omnes consuetudines et libertates et quietantias quas habebant tempore Henrici Regis avi mei ita plene et honorifice et quiete sicut ipsi eas plenius et honorabilius habuerunt tempore Henrici regis avi mei.

(Know ye that I have granted and confirmed to my burgesses of Norwich all the customs and liberties and quittances which they had in the time of King Henry my grandfather as fully and honourably and quietly as they most fully and honourably had them in the time of King Henry my grandfather.)

LEICESTER, 1159—62. (Earl Robert.) Sciatis quod ego et volo et concedo quod burgenses mei de Legrecestria teneant omnes consuetudines suas bene et in pace et honorifice et quiete in Ghilda et in omnibus aliis consuetudinibus sicut eas umquam melius et quietius et honorificentius de patre meo tenuerunt.

(Know ye that I will and grant that my burgesses of Leicester shall hold all their customs well and peaceably and honourably and quietly in their Guild and in all other customs, as they best and most quietly and most honourably ever held them of my father.)

BEDFORD, 1160. Sciatis me concessisse et presenti carta confirmasse Burgensibus meis de Bedefort omnes libertates et liberas consuetudines suas quas habuerunt tempore regis Henrici avi mei sicut recognitae fuerunt in comitatu de Bedefort et sicut Burgenses de Oxeneford eas habent.

(Know ye that I have granted and by this present charter have confirmed to my Burgesses of Bedford all their liberties and free customs which they had in the time of King Henry my grandfather, as they were proved in the County Court of Bedfordshire, and as the Burgesses of Oxford have them.)

SHREWSBURY, 1154—89. (Reconstructed.) Sciatis me concessisse burgensibus meis de Salop' omnes libertates et liberas

consuetudines et quietantias suas ita bene et in pace et honorifice et juste et libere tenendas sicut eas melius et liberius et quietius habuerunt tempore Regis Henrici avi mei in bosco et plano in pratis et pascuis in aquis in burgo et extra in viis et semitis et in omnibus locis.

(Know ye that I have granted to my burgesses of Shrewsbury all their liberties and free customs and quittances to be held as well and peaceably and honourably and justly and freely as they best and most freely and most quietly had them in the time of King Henry my grandfather, in wood and in plain, in meadows and pastures, in waters, in borough and out of borough, in ways and footpaths, and in all places.)

SHREWSBURY, 1200. Line 5. *For avi read proavi.*

ROMNEY, 1154—89. (Reconstructed.) Sciatis me concessisse hominibus meis de Rumenel omnes libertates et consuetudines...ita libere et quiete habendas sicut homines mei de Hastings suas libertates et quietantias habent et sicut ipsi homines de Rumenel solebant habere tempore Henrici Regis avi mei et habere debent.

(Know ye that I have granted to my men of Romney all their liberties and customs...to be held as freely and quietly as my men of Hastings have their liberties and quittances, and as the same men of Romney were wont to have them in the time of King Henry my grandfather and should now have.)

ROMNEY, 1205. Line 5. *For avi read proavi.*

CHESTER, 1188—99. Sciatis me concessisse et...confirmasse civibus de Cestria omnes libertates et liberas consuetudines quas habere consueverunt in terra nostra de Hibernia tempore domini Regis Henrici patris mei.

(Know ye that I have granted and confirmed to the citizens of Chester all the liberties and free customs which they were wont to have in our land of Ireland in the time of our Lord, King Henry my father.)

CHESTER, 1202.

CHESTER, 1208—26. Notum sit vobis omnibus me dedisse et concessisse et...confirmasse omnibus civibus meis de Cestria omnes liberas consuetudines quas illi unquam melius et liberius aut quietius habuerunt temporibus aliquorum predecessorum meorum et nominatim quietantiam et relaxationem recognitionis et proportamenti¹ in civitate Cestriae in perpetuum....

Has omnes libertates predictas et has consuetudines predictas civibus dedi et concessi et...confirmavi eis et heredibus suis habendas

¹ *Recognitio*, an inquest by oath of twelve men under the system of assise. (Sel. Ch.)

Proportamentum is not given in Du Cange, but he defines *Proportatio* as an English and Scottish term, meaning—verdict, hearing or declaration of witnesses.

et tenendas de me et de meis heredibus libere et quiete et pacifice in perpetuum.

(Be it known unto you all that I have given and granted and...confirmed to all my citizens of Chester all the free customs which they best and most freely or most quietly ever had in the times of any of my predecessors, and especially quittance and release of trial by assize and witnesses in the city of Chester for ever.

All these aforesaid liberties and customs I have given and granted to the citizens and confirmed to them and their heirs to be had and holden of me and my heirs freely and quietly and peacefully for ever.)

BRISTOL, 1188. Sciatis me concessisse et presenti carta confirmasse burgensibus meis de Bristallo infra muros et extra muros manentibus usque ad metas villae scilicet inter Sanbroc et Bewell et Brichenebrige et fontem in itinere juxta Aldebiriam de Cnolle omnes libertates et liberas consuetudines suas sicut unquam melius et liberius et integrius eas habuerunt tempore meo vel tempore alicujus predecessorum meorum. Libertates autem quas eis concessi sunt hae, scilicet.

(Know ye that I have granted and confirmed by this present charter to my burgesses of Bristol dwelling within and without the walls as far as the boundary of the town, that is to say as far as Sandbrook and Bewell and Brickenbrige and the spring in the way near Aldbery de Knolle, all their liberties and free customs as they best and most freely and most completely ever had them in my time or in the time of any of my predecessors. Moreover the liberties which I have granted them are these, that is to say.)

NORTHAMPTON, 1189. Has praedictas consuetudines eis concessimus et omnes alias libertates et liberas consuetudines, quas habuerunt vel habent cives nostri Londoniarum quando meliores vel liberiores habuerunt, secundum libertates Londoniarum et leges burgi Norhamtoniae.

(These aforesaid customs we have granted to them, and all other liberties and free customs, which our citizens of London have or had, in the best and freest form in which they had them, according to the liberties of the City of London, and the laws of the borough of Northampton.)

NORTHAMPTON, 1200. Line 4. *After* habuerunt *add* tempore Henrici regis patris nostri.

NORWICH, 1194.

NORWICH, 1199.

LINCOLN, 1194.

LINCOLN, 1200.

Line 3. *Omit* vel habent.

5. *Add* tempore predicti regis patris nostri.

GRIMSBY, 1201. Lines 3 and 4. *For* London *substitute* Northampton.

OKEHAMPTON, 1194—1242. Noverit universitas vestra quod ego Robertus (de Courtenay) dedi et concessi et...confirmavi consensu et assensu Mariae uxoris meae et heredum meorum, burgensibus de libero burgo meo de Okem' omnia tenementa sua et liberas consuetudines quas habebant tempore Ricardi filii Baldwini et Roberti filii regis et Matildae de Haverenges uxoris suae et Hawisiae de Curtenay matris meae in burgo et in terra forinseca...sibi et heredibus suis tenendas et habendas de me et heredibus meis jure hereditario.

(Know ye that I Robert de Courtenay have given and granted and... confirmed with the consent and assent of Mary my wife and of my heirs, to my burgesses of my free borough of Okehampton, all their tenements and free customs, which they had in the time of Richard fitz Baldwin and Robert the King's son, and Matilda of Haverenges his wife and of Hawisia de Courtenay my mother, in borough and in their foreign lands (i.e. their lands without the borough) to have and to hold to them and their heirs of me and my heirs by hereditary right.)

ILCHESTER, 1204. Et volumus...quod predicti burgenses Ivelcestr' et heredes eorum habeant in perpetuum in pratis et pascuis libertates et liberas consuetudines et aisiaementa quae habent et habere consueverunt tempore Regis Henrici patris nostri.

(And we will that the aforesaid burgesses of Ilchester and their heirs shall have for ever in meadows and pastures the liberties and free customs and easements which they have and were wont to have in the time of King Henry our father.)

DUNWICH, 1215. Has autem suprascriptas¹ eisdem burgensibus nostris et heredibus eorum concessimus...habendas et tenendas de nobis et heredibus nostris sibi et heredibus suis inperpetuum bene et in pace libere et quiete pacifice et integre plenarie et honorifice cum omnibus aliis libertatibus et liberis consuetudinibus et bonis usibus quos in burgo suo habere consueverunt et quos aliqua civitatum vel burgorum nostrorum habeat sive in Anglia sive in aliqua alia terrarum nostrarum.

(These above-written customs we have granted to our said burgesses and their heirs, to be had and holden of us and our heirs to them and their heirs for ever, well and peaceably freely and quietly peacefully and completely fully and honourably, with all other liberties and free customs and good usages which they have been wont to have in their borough, and which any of our cities or boroughs has, whether in England or in any other of our lands.)

¹ MS. subscriptas.

(5) Grant of Customs of other Boroughs to Domesday Boroughs¹

WILTON, 1129—35. Precipio quod burgenses mei Wiltoniae de Gilda Mercatoria et de consuetudine mea Wiltoniae habeant omnes quietantias et libertates de Theloneo et Passagio et omni consuetudine ita bene et plene sicut burgenses mei Londoniae et Wintoniae melius et liberius habeant.

(I enjoin that my burgesses of Wilton of the Merchant Guild and of my custom of Wilton shall have all the quittances and freedoms from toll and passage and every custom as well and fully as my burgesses of London and Winchester best and most freely have them.)

WILTON, 1154—8.

WILTON, 1204. Line 4. *For burgenses read cives.*

TAUNTON, 1135—9. Precipio quod omnes burgenses de Tanton homines episcopi Wintoniensis habeant omnes quietantias et tales libertates per totam terram meam de theloneo et passagio et omni alia consuetudine quales habent burgenses mei de Londoniis et de Wintonia.

(I order that all the burgesses of Taunton, the men of the Bishop of Winchester, have all such quittances and liberties throughout my whole realm from toll and passage and every other custom, as my burgesses of London and Winchester have.)

GLOUCESTER, 1155. Sciatis me concessisse burgensibus meis de Glocestria easdem consuetudines et libertates per totam terram meam de thelonio et de omnibus aliis rebus quas unquam meliores habuerunt cives Londonienses et illi de Wintonia tempore regis Henrici avi mei.

(Know ye that I have granted to my burgesses of Gloucester the same customs and liberties throughout my whole land from toll and all other things, which the citizens of London and they of Winchester ever best had in the time of King Henry my grandfather.)

GLOUCESTER, 1194.

Line 1. *For sciatis...Glocestria read concessimus etiam eis.*

5. *For avi mei read patris nostri.*

¹ For grants of customs of other boroughs contained in the preceding section see Wallingford 1156, Bedford 1160, Northampton 1189, Norwich 1194, Lincoln 1194, Dunwich 1215.

WALLINGFORD, 1156. Has leges et consuetudines et libertates et quietantias omnes dono eis et concedo imperpetuum et alias omnes quas poterunt ostendere antecessores suos habuisse libere quiete et honorifice sicut cives mei Wintonienses melius unquam habuerunt.

(All these laws and customs and liberties and quittances I give and grant to them for ever, and all others which they can show that their ancestors had, as freely quietly and honourably, as my citizens of Winchester ever best had.)

OXFORD, 1156. Et habeant omnes alias consuetudines et libertates et leges suas quas habent communes cum civibus meis Londoniarum....Et si dubitaverint vel contenderint de iudicio aliquo quod facere debeant, de hoc Londonias mittant nuntios suos, et quod Londonienses inde iudicabunt firmum et ratum habeant...sed de quocunque in placito ponentur se disrationabunt secundum leges et consuetudines civium Londoniarum et non aliter; quia ipsi et cives Londoniarum sunt de una et eadem consuetudine et lege et libertate.

(And they shall have all their other customs and liberties and laws which they have in common with my citizens of London. And if they doubt or dispute about any judgement which they ought to make, they shall send messengers concerning this to London, and what the Londoners adjudicate on that point, they shall consider firm and valid. But by whomsoever they may be impleaded, they shall clear themselves according to the laws and customs of the citizens of London and not otherwise, because they and the citizens of London are of one and the same custom and law and liberty.)

BEDFORD, 1189.

Line 1. *After* consuetudines *insert* per totam Angliam.

3. *For* Londoniarum *read* de Oxeneford.

4. *Omit* de hoc.

5. *For* Londonienses...habeant *read* de hoc Oxeford cives iudicabunt illud sine dubio firmum et ratum et certum habeant et faciant.

6. *For* in placito ponentur se disrationabunt *read* in placitum ponantur se disrationent.

7. *For* Londoniarum *read* Oxeford et hoc Bedeford.
For aliter *read* alibi.

8. *For* Londoniarum *read* Oxeford.

LYNN, 1204 (c). Only lines 3, 4 and 5, *substituting* Oxford *for* London.

Line 5. *For* iudicabunt, habeant, *read* iudicaverint, habeatur.

EXETER, 1154—8. Et sciatis eos habere consuetudines Londoniarum et ita testati coram me ipsi Barones Londoniarum ita libere et honorifice et iuste sicut unquam melius habuerunt tempore avi mei.

(And know ye that they have the customs of London, and thus my barons of London have testified before me, as freely and honourably and justly as they ever best had in the time of my grandfather.)

EXETER, 1189—99. (John Count of Mortain.)

Line 2. *For coram me read coram meo patre.*

After Londoniarum read sicut scriptum quod habent de patre meo testatur. Haec omnia concessi eis.

4. *For avi mei read Regis Henrici avi Regis Henrici patris mei.*

EXETER, 1200. *For et (line 2) to end read sicut carta Regis Henrici patris nostri rationabiliter testatur.*

BARNSTAPLE, 1154—62. Line 2. *After testati read sunt.*

BARNSTAPLE, 1200. *As Exeter 1200 omitting Henrici.*

BATH, 1189. Quod cives de Bathonia qui sunt de gilda eorum Mercatoria habeant in omnibus eandem quietationem et libertatem de omnibus mercatis suis quocunque venerint per terram vel aquam de Theloneo de passagio de lestagio et de omnibus aliis consuetudinibus et occasionibus et rebus quam plenius et liberius habent cives nostri Wintonienses de gilda eorum Mercatoria.

(That the citizens of Bath who are of their Merchant guild shall have in all things the same quittance and freedom for all their merchandise, wherever they come on land or water, from toll and passage and lastage and from all other customs and dues and things, as fully and freely as our citizens of Winchester who are of their Merchant guild.)

IPSWICH, 1200. Quare volumus et firmiter precipimus quod predicti burgenses omnes predictas libertates et liberas consuetudines habeant et teneant bene et in pace sicut eas meliores vel liberiores habuerunt vel habent ceteri burgenses liberorum burgorum nostrorum Angliae salvis in omnibus civibus nostris Londoniae libertatibus et liberis consuetudinibus.

(Wherefore we will and firmly order that the aforesaid burgesses shall have and hold all the aforesaid liberties and free customs well and peaceably as other burgesses of our free boroughs in England best or most freely had or have them, saving in all things to our citizens of London, their liberties and free customs.)

ILCHESTER, 1204. Sciatis quod nos, facta diligenti inquisitione per sacramentum liberorum et legalium hominum de libertatibus hominum nostrorum de Ivelcestre quas habere debent, cum nobis plene constarent quod habuerunt per cartam Regis Henrici patris nostri, quae postmodum per infortunium combusta fuit, omnes libertates quas cives nostri Wintonienses habuerunt, con(cessimus) et presenti carta confirmavimus eis et heredibus suis inperpetuum quod habeant omnes libertates quietantias et liberas consuetudines quas

predicti cives nostri Wintonienses habent per totam terram et potestatem nostram.

(Know ye that we, having made diligent inquisition by the oath of free and lawful men concerning the liberties of our men of Ilchester which they ought to have, and since it has been clearly shown to us that they had, by a charter of King Henry, our father, which was afterwards burnt by misfortune, all the liberties which our citizens of Winchester had, have granted and by this present charter have confirmed to them and their heirs for ever that they shall have all the liberties quittances and free customs which our citizens of Winchester aforesaid have throughout our whole land and dominion.)

HUNTINGDON, 1205. Quod predictus burgus de Huntendon et burgenses in eo manentes habeant et teneant easdem libertates et liberas consuetudines quas alii liberi burgi et liberi burgenses nostri Angliae habent.

(That the aforesaid borough of Huntingdon and the burgesses remaining in it, shall have and hold the same liberties and free customs which our other free boroughs and free burgesses of England have.)

STAFFORD, 1206. Concessimus etiam eis...omnes alias libertates et liberas consuetudines quas aliquis liber burgus Angliae habet, salva in omnibus ut predictum est libertate civitatis Londoniae.

(We have granted also to them...all the other liberties and free customs which any free borough in England has, saving in all things, as aforesaid, the liberty of the city of London.)

(6) Ratification of Customs of Post-Domesday Boroughs

BURY ST EDMUNDS, 1102—3. Notum sit vobis quod volo et firmiter precipio ut monasterium et burgenses Sancti Edmundi...semper sint in eadem libertate qua fuerunt temporibus Cnuti et Edwardi regum Angliae sicut cartae eorum testantur.

(Be it known unto you that I will and firmly enjoin that the Monastery and burgesses of St Edmunds shall always enjoy the same liberty as they enjoyed in the times of Cnut and Edward, Kings of England, as their charters bear witness.)

BURY ST EDMUNDS, 1121—38. Notifico vobis quod hae sunt consuetudines quas burgenses S. Edmundi dirationaverunt coram me in curia mea se habuisse et tempore Edwardi Regis et temporibus Willelmi regis et filiorum ejus Willelmi et Henrici et temporibus antecessorum meorum videlicet Baldwini abbatis et ceterorum abbatum et quas eis concessu totius conventus S. Edmundi concessi et confirmavi.

(I make known unto you that these are the customs which the burgesses of St Edmunds proved before me in my court that they had both in the time of King Edward and King William and of his sons, William and Henry, and in the times of my predecessors namely Abbot Baldwin and the other Abbots, and which I have granted and confirmed to them with the assent of the whole convent of St Edmunds.)

BURY ST EDMUNDS, 1182—1212.

Line 1. *For* notifico *read* notum facimus.

3. *For* coram me *read* coram predecessoribus meis.

For mea *read* Sancti Edmundi.

Insert ut a cartis eorum accepi.

Omit et *before* tempore.

5. *Omit* antecessorum meorum videlicet.

6. *Insert* ego *after* quas.

RICHMOND, 1137—45 (b). Notum sit vobis me (Alanum comitem Britanniae) concessisse et dedisse burgensibus meis de Richemont illam libertatem quam habuerunt in tempore avunculi mei Alani comitis et in tempore patris mei Stephani comitis.

(Be it known unto you that I (Alan, Count of Brittany), have granted and given to my burgesses of Richmond that liberty which they had in the time of my uncle Count Alan, and in the time of my father, Count Stephen.)

RICHMOND, 1145—75. Notum sit vobis omnibus me (Conanem comitem Richemundiae) concessisse et...confirmasse Burgensibus de Richemund ut habeant easdem consuetudines et eas libertates quas habuerunt et tenuerunt tempore meorum antecessorum quas mei antecessores scilicet Comes Stephanus avus meus et comes Alanus pater meus et mei alii antecessores eis concesserunt et cartis suis confirmaverunt.

(Be it known unto you all that I (Conan, Earl of Richmond) have granted and...confirmed to the burgesses of Richmond that they shall have the same customs and liberties which they had and held in the time of my ancestors, which my ancestors, that is to say, Count Stephen my grandfather, and Count Alan my father and my other ancestors, granted to them and confirmed by their charters.)

BURFORD, 1147—73. (William Earl of Gloucester.) Sciatis me concessisse omnibus meis hominibus de Burford omnes illas consuetudines quas Robertus filius Hamonis avus meus et Robertus Comes Gloucestriae concesserunt, sicut cartae illius testantur, videlicet istas.

(Know ye that I have granted to all my men of Burford all those customs which Robert fitz Hamo my grandfather and Robert Earl of Gloucester granted, as his charters witness, which are as follow.)

BURFORD, 1156¹. Et sciatis me concessisse liberis burgensibus villae comitis Willelmi de Bureford omnes liberas consuetudines illas quas habere solebant tempore comitis Roberti et tempore Willelmi Comitis sicut cartae illorum testantur, et gildam et consuetudines quas habent liberi burgenses de Oxenfordia in gilda mercatoria.

(Know ye also that I have granted to the free burgesses of the town of Earl William of Burford all those free customs which they were wont to have in the time of Earl Robert and in the time of Earl William, as their charters bear witness, and the guild and the customs which the free burgesses of Oxford have in their Merchant guild.)

BURFORD, 1155—8. (Writ to Bishop of Lincoln and Sheriff etc. of Oxfordshire etc.) Mando vobis et firmiter precipio quod homines Willelmi comitis Gloec. de Boreford et de Mora sint ita bene et in pace et quieti de omnibus querelis et ita teneant omnes terras suas et omnia tenementa sua cum sac et soc et thol et theam et infanghene-thef et cum omnibus aliis libertatibus et liberis consuetudinibus suis sicut melius et liberius tenuerunt tempore regis Henrici avi mei.

(I command you and firmly enjoin that the men of William, Earl of Gloucester, of Burford and Mora shall be so well and in such peace and quit of all quarrels and shall so hold all their lands and all their tenements with sake and soke and toll and team and infangthef and with all other their liberties and free customs, as they best and most freely held them in the time of King Henry my grandfather.)

NEWPORT, Salop, 1163—6. Sciatis me concessisse Burgen-sibus meis de Novo Burgo omnes libertates et rectas consuetudines suas sicut eas melius et liberius habuerunt tempore Regis Henrici avi mei.

(Know ye that I have granted to my burgesses of the New Borough all their liberties and rightful customs as they best and most freely had them in the time of King Henry my grandfather.)

TRURO, 1166. Sciatis quod concessi liberis burgensibus meis de Triuereu habere omnes liberas consuetudines et urbanas et easdem in omnibus quas habuerunt in tempore Ricardi de Lacy scilicet sacham et socham et tol et them et infangenethuf.

(Know ye that I have granted that my free burgesses of Truro shall have all their free and urban customs, the same in all things which they had in the time of Richard de Lacy, that is to say sake and soke and toll and team and infangthef.)

¹ From Charter of Henry II to William Earl of Gloucester at Chinon in exercitu.

TRURO, 1174—86. Sciatis me concessisse et...confirmasse burgensibus Ricardi de Lacy de Triureu omnes libertates et liberas consuetudines quas comes Reginaldus avunculus meus rationabiliter dedit eis et concessit sicut carta ipsius comitis testatur.

(Know ye that I have granted and...confirmed to the burgesses of Richard de Lacy of Truro all the liberties and free customs which Earl Reginald, my uncle, reasonably gave and granted to them as the charter of the said Earl witnesses.)

RUTHERGLEN, 1165—1214. Sciant presentes et futuri me concessisse et dedisse et hac carta mea confirmasse burgo meo de Rutherglen et burgensibus meis ejusdem villae omnes consuetudines et rectitudines quas habuerunt tempore Regis David avi mei et illas divisas quas eis concessit scilicet etc.

(Know all men present and future that I have granted and given and by this my charter have confirmed to my burgh of Rutherglen and my burgesses of the same town all the customs and rights which they had in the time of King David my grandfather, and those boundaries which he granted to them, that is to say.)

PRESTON, 1188—99. (Reconstructed.) Concessi et confirmavi burgensibus meis de Preston omnes libertates et liberas consuetudines quas dominus Henricus pater meus eisdem burgensibus dedit et concessit et carta sua confirmavit.

(I have granted and confirmed to my burgesses of Preston all the liberties and free customs which Lord Henry my father gave and granted and confirmed to the said burgesses by his charter.)

PRESTON, 1199.

PEMBROKE, 1154—89. Sciatis me dedisse et concessisse et...confirmasse burgensibus meis de Pembroch' omnes libertates suas et quietantias et liberas consuetudines suas sicuti eas liberius et quietius et melius habuerunt tempore Henrici regis avi mei....

Volo itaque et concedo et firmiter precipio quatinus iidem burgenses mei predictas libertates et consuetudines suas bene quiete et libere habeant cum additione ceterarum libertatum et consuetudinum suarum quas ipsi memoriter retinent.

(Know ye that I have given and granted and...confirmed to my burgesses of Pembroke all their liberties and quittances and free customs as they most freely and quietly and best had been in the time of King Henry my grandfather.

I will therefore and grant and firmly enjoin that my said burgesses shall well and quietly and freely have their aforesaid liberties and customs with the addition of their other liberties and customs, which they preserve in their memory.)

WHITBY, 1199. Sciatis nos concessisse et presenti carta confirmasse burgensibus de Whiteby omnes donationes et libertates et liberas consuetudines quas Ricardus abbas Whitebiensis ejusdemque ecclesiae conventus eis dederunt et concesserunt et carta sua confirmaverunt, scilicet quod habeant.

(Know ye that we have granted and by this present charter confirmed to the burgesses of Whitby all the gifts and liberties and free customs which Richard Abbot of Whitby and the convent of the same church gave and granted and confirmed to them by their charter, that is to say, that they have.)

KELLS (after 1210). Quare volo et concedo quod ipsi burgenses et heredes sui habeant et teneant imperpetuum burgagia sua cum omnibus predictis pertinentiis suis et terris et cum predictis libertatibus suis et liberis consuetudinibus et cum omnibus libertatibus et liberis consuetudinibus quas Galfridus filius Roberti eis quondam dedit et concessit.

(Wherefore I will and grant that the said burgesses and their heirs may have and hold for ever their burgages with all their aforesaid appurtenances and lands and with their aforesaid liberties and free customs and with all the liberties and free customs which Geoffrey fitz Robert once gave and granted to them.)

(7) Creation of New Boroughs by Grant of Customs

SWANSEA, 1153—84. Notum sit omnibus vobis et Francis et Anglicis tam presentibus quam futuris me (Willelmum comitem Warwick) concessisse et...confirmasse burgensibus de Sweynesse has consuetudines scilicet.

(Be it known to you all, both French and English, both present and future, that I (William, Earl of Warwick), have granted and...confirmed to the burgesses of Swansea these customs, that is to say.)

CARDIFF, 1147—83. Hae sunt libertates et liberae consuetudines de Kerdif et de Theokesburia datae et concessae per Robertum et Willelmum comites aliquando Gloucestriae.

(These are the liberties and free customs of Cardiff and Tewkesbury given and granted by Robert and William, formerly Earls of Gloucester.)

COVENTRY, 1181. Sciatis me burgensibus meis de Covintr' concessisse et dedisse et...confirmasse omnia quae in presenti carta scripta sunt videlicet.

(Know ye that I have granted given and...confirmed to my burgesses of Coventry all things written in the present charter, that is to say.)

COVENTRY, 1186. Sciatis me concessisse et...confirmasse burgensibus de Covintria omnes libertates et liberas consuetudines quas Ranulphus comes Cestriae rationabiliter eis concessit et carta sua confirmavit, scilicet.

(Know ye that I have granted and...confirmed to the burgesses of Coventry all the liberties and free customs which Ralph, Earl of Chester, reasonably granted and confirmed to them by his Charter, that is to say.)

PERTH, 1165—1214. Has autem libertates et consuetudines illis concedo et hac carta mea confirmo.

(These liberties and customs I grant to them and confirm by this my charter.)

ABERDEEN, 1214. *After autem read omnes.*

DUBLIN, 1192. Sciatis me concessisse et...confirmasse civibus meis de Dublin tum extra muros quam infra muros manentibus usque ad metas villae, quod habeant metas suas sicut proalatae fuerant per sacramentum proborum virorum de civitate ipsa per preceptum Regis Henrici patris mei scilicet (here follow boundaries). Et quod habeant omnes libertates et liberas consuetudines subscriptas. Libertates autem quas eis concessi sunt hae scilicet.

(Know ye that I have granted and confirmed to my citizens of Dublin dwelling within and without the walls as far as the bounds of the town, that they shall have their boundaries as they were set forth by the oath of just men of the said city according to the precept of King Henry my father, that is to say (here follow boundaries). And that they shall have all the liberties and free customs underwritten. The liberties, moreover, which I have granted them are these, that is to say.)

DUBLIN, 1200.

DUBLIN, 1200. Confirmavimus etiam eis omnes libertates leges et liberas consuetudines quas habuerunt de dono nostro dum essemus comes Moritonii sicut eas unquam melius et liberius et integrius habuerunt.

(We have confirmed also to them all the liberties laws and free customs which they had of our gift while we were Count of Mortain, as they ever had them in the best and freest and most complete manner.)

DUBLIN, 1215. Concessimus etiam eis et confirmavimus omnes libertates et liberas consuetudines prius eis concessas a rege Henrico, patre nostro, per cartam suam, et a nobis per cartam nostram, secundum tenorem earundem cartarum, salvis nobis et heredibus nostris placitis ad coronam nostram pertinentibus, et prisīs vinorum et aliis quae in carta nostra quam de nobis habent de libertatibus suis continentur.

(We have also granted and confirmed to them all the liberties and free customs formerly granted to them by King Henry our father, by his charter

and by us by our charter, according to the tenor of the same charters, saving to us and our heirs the pleas pertaining to our crown, and the prises of wines, and other things which are contained in our charter, which they have of us concerning their liberties.)

LOSTWITHIEL, 1190—1200. Sciant omnes tam futuri quam presentes quod ego Robertus de Cardinan dedi et concessi et...confirmavi omnibus burgensibus meis et hominibus de Lostuuidiel et omnibus illis qui burgagia vel terras in eadem villa tenent omnes honores dignitates libertates et quietantias in quantum ad me et ad heredes meos spectat, quas antecessores mei eis antiquo dederunt die qua villam fundaverunt, scilicet.

(Know all men both future and present, that I Robert de Cardinan have given and granted and confirmed to all my burgesses and men of Lostwithiel and to all those who hold burgages or lands in the same town, all the honours dignities liberties and quittances, as far as relates to me and my heirs, which my ancestors gave them of old on the day when they founded the town, to wit.)

EGREMONT, c. 1202. Sciant tam presentes quam futuri quod ego Ricardus de Luci concessi et dedi et...confirmasse burgensibus meis de Acrimonte et heredibus suis has scilicet subscriptas leges libertates et consuetudines habendas de me et heredibus meis; scilicet.

(Know all men both present and to come that I Richard de Lucy have granted and given and...confirmed to my burgesses of Egremont and their heirs these, to wit, the underwritten laws liberties and customs to be held of me and my heirs, to wit.)

BURTON-ON-TRENT, 1197—1213. Concedimus etiam ut burgenses predicti loci habeant omnes libertates et liberas consuetudines quas eis concedere possumus sicut liberi burgenses de aliquo vicino burgo.

(We have also granted that the burgesses of the aforesaid place shall have all the liberties and free customs which we can grant to them, as the free burgesses of any neighbouring borough have them.)

MORPETH, 1188—1239. Sciatis quod ego Rogerius de Merlai dedi...meis liberis burgensibus de villa de Morpathia illis et heredibus suis tenendas et habendas in perpetuum de me et heredibus meis omnes libertates et omnes liberas consuetudines honorabiliter et libere et integre sicuti carta domini regis proportat quam ego habeo de suo dono.

(Know ye that I Roger de Merlai have given to my free burgesses of the town of Morpeth all liberties and all free customs to be holden and had to them and their heirs of me and my heirs for ever, honourably and freely and completely, as the charter of my Lord the King defines, which I have of his own gift.)

HAVERFORDWEST, 1189—1219. Sciatis me dedisse concessisse et...confirmasse burgensibus meis de Hauerford has libertates et liberas consuetudines subscriptas scilicet.

(Know ye that I have given granted and...confirmed to my burgesses of Haverford these underwritten liberties and free customs, that is to say.)

KILKENNY, 1202—10. Sciatis presentes et futuri quod ego...concessi burgensibus meis de Kylkenn' omnimodas libertates quas decet burgenses habere et mihi licet conferre habendas et tenendas imperpetuum de me et heredibus meis sibi et heredibus suis.

(Know all men present and to come that I...have granted to my burgesses of Kilkenny all manner of liberties which it becomes burgesses to have and is lawful for me to confer, to be had and holden for ever of me and my heirs to them and their heirs.)

KELLS (*after* 1210).

Line 2. *For* concessi *read* dedi concessi et...confirmavi.

After libertates *add* et liberas consuetudines.

INISTIOGE (*after* 1206).

Line 1. *After* sciatis *add* omnes tam.

For et *read* quam.

2. *For* omnimodas *read* omnes.

4. *For* heredibus meis *read* successoribus nostris.

Omit sibi...*end*.

LEEK, 1209—28. Notum sit vobis me dedisse et concessisse et presenti carta mea confirmasse liberis burgensibus meis manentibus in burgo meo de Lach has libertates subscriptas, scilicet.

(Be it known to you that I have given and granted and by this my charter confirmed to my free burgesses dwelling in my borough of Leek these underwritten liberties, to wit.)

CORBRIDGE (*after* 1212). Noverint universi quod, cum controversia mota esset inter burgenses de Corbrigg ex una parte, et ballivos domini Johannis filii Roberti ex altera, super quibusdam pasturis estoveriis aysiamenis et libertatibus infra villam de Corbrigg et extra, tandem inter dictum dominum Johannem filium Roberti et predictos burgenses contentio in hunc modum super omnibus conquievit, videlicet, quod dictus dominus Johannes concessit pro se et heredibus suis predictis burgensibus et heredibus eorum pasturas estoveria aysiamenta et libertates quae habuerunt tempore regum Angliae sicut recognitum est per ipsos burgenses, scilicet.

(Know all men, that, when a controversy arose between the burgesses of Corbridge on the one part, and the bailiffs of Lord John fitz Robert on the other, over certain pastures estovers easements and liberties within the town of Corbridge and without, at length the contention between the said Lord John

fitz Robert and the aforesaid burgesses was composed in this manner on all points, namely, that the said Lord John granted for himself and his heirs to the aforesaid burgesses and their heirs the pastures estovers easements and liberties which they had in the time of the Kings of England, as it was admitted by the said burgesses, that is to say.)

(8) Creation of New Boroughs by Grant of Customs of other Boroughs

BEVERLEY, c. 1130. Notum sit vobis me dedisse et concessisse et consilio capituli Eboracensis et Beverlacensis et consilio meorum baronum mea carta confirmasse hominibus de Beverlaco omnes libertates eisdem legibus quibus illi de Eboraco habent in sua civitate. Praeterea non lateat vos quod dominus Henricus rex noster nobis concessit potestatem faciendi hoc de bona voluntate sua et sua carta confirmavit statuta nostra et leges nostras juxta formam legum burgensium de Eboraco, salva dignitate et honore Dei et Sancti Johannis et nostri et canonicorum, ut ita scilicet honorem eleemosinarum predecessorum suorum exaltaret et promoveret cum omnibus his liberis consuetudinibus.

(Be it known to you that I have given and granted, and by the counsel of the chapter of York and Beverley and by the counsel of my barons have confirmed by my charter to the men of Beverley all their liberties by the same laws by which they of York have them in their city. Moreover, be it not hidden from you, that Lord Henry our king has granted to us the power of doing this of his own good will, and by his charter has confirmed our statutes and laws according to the form of the laws of the burgesses of York, saving the dignity and honour of God and St John and ourselves and our canons, so that he might exalt and promote the honour of the alms of his predecessors with all these free customs.)

BEVERLEY, 1124—35. Sciatis me concessisse...et confirmasse Hominibus de Beverlaco liberum burgagium secundum liberas leges et consuetudines Burgensium de Eboraco, et suum Gildae (*sic*) Mercatorum cum placidis suis et Theloneo et cum omnibus liberis consuetudinibus et libertatibus suis in omnibus rebus sicut Turstinus Archiepiscopus ea eis dedit et carta sua confirmavit infra villam de

DUNSTABLE, 1112—7. Haberentque omnes et singuli heredes libertates et acquietantias per totum regnum suum quas civitas London' vel aliquis burgus Angliae habuit ab antiquo.

(And that they all and their heirs should have the liberties and quittances throughout his whole realm which the city of London or any borough of England has had from of old.)

Beverlaco et extra tam in bosco quam in plano aut in marisco et aliis.

(Know ye that I have granted and...confirmed to the men of Beverley their free burgage according to the free laws and customs of the burgesses of York, and their Merchant guild with their pleas and toll and with all their free customs and liberties in all things as Thurstan Archbishop of York gave them to them and confirmed by his charter, within the town of Beverley and without, both in wood and in plain or in marshes and elsewhere.)

BEVERLEY, c. 1154. Notum sit vobis omnibus me concessisse et dedisse...liberale burgagium villae Beverlaco et burgensibus ibi commorantibus juxta formam liberalis burgagii Eboraci, ea libertatis lege qua Thurstanus Archiepiscopus venerandae memoriae predecessor noster eis concessit, et dedit, salvis consuetudinibus Sancti Johannis et salvo nostro jure cum redditibus.

(Be it known unto you all that I have granted and given free burgage to the town of Beverley and the burgesses dwelling there, after the form of free burgage in York, according to that law of liberty by which Archbishop Thurstan of venerable memory, our predecessor, granted and gave to them, saving the customs of St John and saving our rights and rents.)

BEVERLEY, 1182. Sciatis me concessisse et...confirmasse burgensibus de Beverlaco omnes libertates et liberas consuetudines quas Turstinus et Willelmus quondam Eboracenses archiepiscopi eis dederunt et concesserunt et cartis suis confirmaverunt et quas Rex Henricus avus meus eis concessit et carta sua confirmavit.

(Know ye that I have granted and...confirmed to the burgesses of Beverley all the liberties and free customs which Thurstan and William formerly archbishops of York gave and granted and confirmed to them by their charters, and which King Henry my grandfather granted and confirmed to them by his charter.)

BEVERLEY, 1194. *For lines 4 and 5 read* Et quas dominus Rex pater noster et Rex Henricus avus domini regis patris nostri eis dederunt et concesserunt et cartis suis confirmaverunt.

BEVERLEY, 1200. *As 1194 but before eis add* et alii antecessores nostri.

NEATH, 1147—73. Sciatis me (Willelmum comitem Gloucestriae) dedisse et concessisse burgensibus de Neeth omnes libertates et consuetudines quas burgenses mei de Kardiffe habent per omnes burgos meos Angliae et Walliae et per totam terram meam Angliae et Walliae.

(Know ye that I (William, Earl of Gloucester) have given and granted to the burgesses of Neath all the liberties and customs which my burgesses of Cardiff have in all my boroughs in England and Wales and through all my land in England and Wales.)

NORHAM, 1153—95. Notum sit vobis me concessisse...burgensibus meis de Noram omnes libertates et consuetudines liberas sicut melius habet aliquod burgum ex aquilonari parte Tinae et sicut Novum Castellum habet.

(Be it known unto you that I have granted to my burgesses of Norham all the liberties and free customs which any borough best has, north of the Tyne, and which Newcastle has.)

WEARMOUTH, 1162—86. Sciatis nos dedisse et...confirmasse Burgensibus nostris de Weremue liberas consuetudines in burgo suo secundum consuetudinem Burgensium de Novo Castello scilicet.

(Know ye that we have given and...confirmed to our burgesses of Wearmouth their free customs in their borough according to the custom of the burgesses of Newcastle, that is to say.)

GATESHEAD, 1153—95. Et quilibet burgensis de Gatesheved habeat de burgagio suo eandem libertatem quam burgenses de Novo Castello habent de burgagiis suis.

(And every burgess of Gateshead shall have with regard to his burgage, the same liberty as the burgesses of Newcastle have with regard to their burgages.)

DURHAM, 1153—95. Et ut habeant omnes liberas consuetudines sicut Burgenses de Novo Castello melius et honorabilius habent.

(And that they shall have all free customs as the burgesses of Newcastle best and most honourably have.)

ALNWICK, 1157—85. Notum sit omnibus hominibus presenti-bus et futuris hanc cartam visuris vel auditoris quod ego Willelmus de Vesci concessi et hac carta mea confirmavi hominibus meis burgensibus de Alnewic tenere de me et de heredibus meis illi et heredes sui tam libere et quiete sicut burgenses de Novo Castello tenent de domino Rege Angliae.

(Be it known to all men present and to come, who shall see or hear this charter, that I William de Vesci have granted and by this my charter confirmed to my men who are burgesses of Alnwick that they and their heirs may hold of me and my heirs as freely and quietly as the burgesses of Newcastle hold of my lord the King of England.)

SCARBOROUGH, 1155. Sciatis me dedisse et concessisse burgensibus meis de Escardeburg omnes consuetudines et libertates et quietantias easdem quas habent cives mei de Eboraco per totam terram meam.

(Know ye that I have given and granted to my burgesses of Scarborough

all the same customs liberties and quittances which my citizens of York have through all my land.)

SCARBOROUGH, 1200.

Line 1. *Omit* dedisse et.

After concessisse *insert* et presenti carta confirmasse.

DUBLIN, 1172 (from the Bristol charter 1172)¹. Quare volo et firmiter precipio ut ipsi eam (i.e. Civitatem Duvelin) inhabitent et teneant illam de me et heredibus meis bene et in pace et quiete et plenarie et honorifice cum omnibus libertatibus et liberis consuetudinibus quos homines de Bristow habent apud Bristow et per totam terram meam.

(Wherefore I will and firmly ordain that they (the men of Bristol) shall inhabit it (the city of Dublin) and hold it of me and my heirs well and peaceably and quietly and fully and honourably with all the liberties and free customs which the men of Bristol have at Bristol and throughout the whole of my land.)

BARNARD CASTLE, c. 1175. Sciatis me dedisse et...confirmasse burgensibus meis de Castello Bernard et heredibus suis omnes illas libertates et liberas consuetudines quas dedit eis pater meus et concessit tenendas a me et heredibus meis in feudo et hereditate secundum libertates de Richemunt quas dedit eis pater meus et concessit.

(Know ye that I have given and...confirmed to my burgesses of Castle Barnard and their heirs all those liberties and free customs which my father gave and granted to them to be held of me and my heirs in fee and inheritance according to the liberties of Richmond which my father gave and granted to them.)

BARNARD CASTLE, 1215—27. Sciatis me concessisse et.....confirmasse burgensibus meis de Castro Bernardi omnes libertates et liberas consuetudines de Richemund sicut in carta Bernardi de Balliolo antecessoris mei quam habent continentur.

(Know ye that I have granted.....and confirmed to my burgesses of Castle Barnard all the liberties and free customs of Richmond which are contained in the charter of Bernard de Balliol my ancestor which they have.)

GLASGOW, 1175—7. (To the Bishop of Glasgow.) Cum omnibus libertatibus et consuetudinibus quas aliquis burgorum meorum in tota terra mea melius plenius quietius et honorificentius habet.

(With all the liberties and customs which any of my burghs in my whole kingdom has, in the best and fullest and quietest and most honourable manner.)

¹ See Bristol vi 23.

PRESTON, 1179. Sciatis me concessisse et.....confirmasse burgensibus meis de Preston omnes easdem libertates et liberas consuetudines¹ quas dedi et concessi burgensibus meis de Novo Castello subtus Limam.

(Know ye that I have granted and.....confirmed to my burgesses of Preston all the same liberties and free customs which I have given and granted to my burgesses of Newcastle-under-Lyme.)

LANCASTER, 1193.

Line 2. *Omit* easdem.

Omit et liberas consuetudines.

3. *Omit* dedi et, meis.

For Novo Castello etc. *read* Bristoll.

LANCASTER, 1199. Sciatis nos concessisse et hac carta nostra confirmasse burgensibus nostris Lancastriae omnes libertates quas burgenses nostri de Northampton habuerunt die qua Rex Henricus pater noster obiit.

(Know ye that we have granted and by this our charter have confirmed to our burgesses of Lancaster all the liberties which our burgesses of Northampton had on the day when King Henry, our father, died.)

COVENTRY, 1181. Omnes autem liberas et bonas leges illis concedo quas burgenses Lincolnie meliores et liberiores habent.

(Moreover, I grant to them all the free and good laws, the best and the freest which the citizens of Lincoln have.)

COVENTRY, 1186. Et habeant omnes leges et consuetudines quas cives Lincolniae meliores et liberiores habent.

(And they shall have all the laws and customs, the best and the freest which the citizens of Lincoln have.)

APPLEBY, 1181. Sciatis me concessisse et.....confirmasse burgensibus meis de Appelbia omnes libertates et liberas consuetudines habendas quas burgenses mei de Eboraco habent.

(Know ye that I have granted and.....confirmed to my burgesses of Appleby all the liberties and free customs which my burgesses of York have.)

APPLEBY, 1200.

PETERSFIELD, 1183—97. Ego Hawisia Comitissa Gloecestriae concessi et confirmavi burgensibus meis de Peteresfeld qui in burgo de Peteresfeld edificaverunt et manent que qui in illo edificabunt omnes libertates et liberas consuetudines in eodem burgo quas cives² Wintoniae habent in civitate sua qui sunt in gilda

¹ Volumus clause inserts *salva justitia mea*.

² V. C. H. reads *homines*.

mercatorum et easdem habeant in gilda mercatorum de Petrisfeld.....
 quas meus Willelmus Comes Gloucestriae eis per cartam suam
 concessit.

(I Hawisia, Countess of Gloucester, have granted and confirmed to my
 burgesses of Petersfield who have built and remain in the borough of
 Petersfield and to those who shall build in it, all the liberties and free customs
 in the same borough which the citizens of Winchester have in their city who
 are in the Merchant guild, and they shall have the same in the Merchant guild
 of Petersfield.....which William, Earl of Gloucester, my (husband), granted
 to them by his charter.)

PETERSFIELD, 1198.

For Line 1 *read* Johannes Comes Moretoniae etc. Sciatis me dedisse et
 concessisse et hac presenti carta confirmasse.

Line 5. *Omit* quas *to end, and read* sicut Willelmus Comes Gloucestriae
 pater uxoris meae concessit et carta sua confirmavit.

CORK, c. 1188. Johan le fitz au Roi Dengleterre seynour d
 irlande &c. Saluez mey aver graunte e done e par ceste moye charte
 conferme auus citeyns de Corke tout le close tente de ma cite de
 Corke (? et la¹) place la quele en meyme la cite a mon oes setings
 aforcer² a eux cest a saver e a lour heirs a tenir de mey et de mes
 heirs a remanaund en frank burgage par tele coustume e rente come
 les burgeys de bristou en Engleterre rendent par an de lors burgages
 Et a cloer ma cite de Corke Jee grauntey ausi a meymes mes citeins
 de Corke toutes les leys ffranchises et franchises costumes qui sunt a
 bristou Pur la quele chose joe voile e fermement comant que les
 avant ditz mes citeyns de Corke lour heirs et lour successors aient
 lavant dite Cite de Corke de meye et de mes successors ceieiment si
 come est avant ditte Et eient toutes les leys e franchises et frankes
 coutumes de bristou Et solome celes seient demenes terminees e
 treitees en ma corte et en mon hundred de Corke et par toute matere.
 Et io defent que nul aucun tort ou travayl a eux ne face encountre
 les avantdites leys et franchises les queles nous avons dones et
 grauntes.

(John³ the son of the King of England, Lord of Ireland etc. Greeting.
 I have granted and given and by this my charter confirmed to the citizens of
 Cork all the closes held of my city of Cork and the ground on which the same
 city is, for my benefit, to increase the strength of the citizens, to them, that is

¹ These two words are supplied from the translation in Cusack's *Cork*, p. 158 ;
 where another copy of this charter has been used.

² This is the best I can make of these two words.

³ The translation is from Cusack's *Cork*.

to wit, and their heirs to hold of me and my heirs for ever in free burgage by such customs and rent as the burgesses of Bristol in England render yearly for their burgages. And to secure my city of Cork I have granted also to my said citizens of Cork all the laws franchises and free customs which are at Bristol. Wherefore I will and firmly command that my aforesaid citizens of Cork their heirs and successors have the aforesaid city of Cork of me and my successors as is aforesaid And they shall have all the laws franchises and free customs of Bristol. And according to them they shall be judged determined and treated in my court and hundred of Cork and in every matter. And I forbid that any man do any hurt or annoyance to them contrary to the aforesaid laws and franchises the which we have given and granted.)

OSWESTRY, 1190—1200. Et concedo quod burgagia predicta teneant de me secundum leges et consuetudines quas burgenses Salopie in burgo suo habent.

(And I grant that they shall hold the aforesaid burgages of me according to the laws and customs which the burgesses of Shrewsbury have in their borough.)

PORTSMOUTH, 1194. Quare volumus et firmiter precipimus quod predicta villa de Portesmue et burgenses nostri in ea tenentes mansiones et possessiones habeant et teneant cum thol et theam et infangenethef et utfangenethef et cum omnibus libertatibus et liberis consuetudinibus ita bene et in pace libere et quiete sicut cives nostri Wyntonie vel Oxonie vel alii de terra nostra melius habent et tenent.

(Wherefore we will and firmly order that the aforesaid town of Portsmouth and our burgesses holding in it shall have and hold their mansions and possessions with toll and team and infangthef and outfangthef and with all liberties and free customs as well and peaceably freely and quietly as our citizens of Winchester or Oxford or others of our land best have and hold.)

PORTSMOUTH, 1201.

PONTEFRACT, 1194. Preterea concessi et confirmavi prefatis burgensibus meis et successoribus suis libertates et liberas consuetudines quibus utuntur burgenses domini regis de Grimesbi quae tales sunt.

(Moreover, I have granted and confirmed to my aforesaid burgesses and their successors the liberties and free customs which are used by the burgesses of our lord the King in Grimsby, which are as follow.)

LEEDS, 1208. Line 2. *For* successoribus *read* heredibus.

3. *For* domini.....Grimesbi *read* Rogeri de Lascy de Pontefracto.

DROGHEDA, 1194. Et preterea (concessi eis) liberam legem Britolli sicut in aliquo loco liberius tenta fuerit et liberius et plenarius in terra domini Regis Angliae.

(And moreover (I have granted to them) the free law of Breteuil in the freest manner in which it may have been held in any place and in the freest and fullest form in which it may have been held in the land of our lord, the King of England.)

RATHMORE, 1195—1247. Tenenda et habenda sibi et heredibus suis de me et heredibus meis secundum legem de Britoile sicut aliquis eam in tota terra domini Regis Angliae liberius tenet.

(To be held and had to them and their heirs of me and my heirs according to the law of Breteuil as any one most freely holds that law in the whole land of our lord, the King of England.)

SWORDS, 1196. Cum omnibus libertatibus et liberis consuetudinibus quas Cives Dublin' habent, et quas eis rationabiliter concedere possimus et warrantizare.

(With all the liberties and free customs which the citizens of Dublin have, and which we can reasonably give and warrant to them.)

KELLS, 1194—1241. Sciatis quod ego Walterus de Lacy dedi... Burgensibus meis de Kenlis legem Bristolli¹ habendam illis et eorum heredibus sicut melius et liberius alicubi data et concessa est aliquibus civibus secundum continentiam rationabilem legis Bristolli ei prima institutione concessa.

(Know ye that I Walter de Lacy have given...to my burgesses of Kells the law of Breteuil¹, to be had to them and their heirs, as it is best and most freely given and granted to any citizens anywhere according to the reasonable contents of the law of Breteuil, which was granted to it at the first foundation of the borough.)

TRIM, 1194—1241. Sciatis...quod ego Walterus de Lacy dedi... Burgensibus meis de Trim omnes libertates quas habuerunt et quibus usi fuerunt secundum legem Bristolii¹ antequam cartam meam de dono meo obtinuerunt.

(Know ye that I Walter de Lacy have granted to my burgesses of Trim all the liberties which they had and were accustomed to use according to the law of Breteuil¹ before they obtained my charter of my gift.)

DULEEK, co. Meath, 1194—1241¹. In an Act of Parliament of 20 Edw. IV is a recital:

Whereas Walter de Lacy formerly Lord of Meath enfeoffed the then Burgesses of Dyveleke and their successors with divers privileges

¹ See *English Historical Review*, xv. 513, 514.

laws and customs according to the law of Bristol, and made to them divers grants of divers other things as more fully appeareth by the Letters Patent of the said Walter, ensealed by his seal.

LIMERICK, 1197. Et quod habeant omnes libertates et liberas consuetudines per totam Hiberniam quas cives Dublin' habent.

(And that they have throughout all Ireland all the liberties and free customs which the citizens of Dublin have.)

WELLS, 1201. Quare volumus...quod ipsi et heredes eorum habeant omnes libertates et liberas consuetudines liberi burgi et liberorum burgensium et ad hujusmodi mercatum et ferias pertinentes.

(Wherefore we will...that they and their heirs have all the liberties and free customs of a free borough and of free burgesses, and those that pertain to a market and to fairs of this kind.)

HELSTON, 1201. Volumus etiam quod habeant omnes alias libertates et liberas consuetudines quas habuerunt burgenses nostri de castello de Lancaveton tempore Regis Henrici patris nostri.

(We will also that they have all the other liberties and free customs which our burgesses of the castle of Launceston had in the time of King Henry our father.)

HARTLEPOOL, 1201. Et quod habeant easdem libertates et leges in villa sua de Herterepol quas burgenses nostri de Novo Castello super Tinam habent in villa sua de Novo Castello.

(And that they shall have the same liberties and laws in their town of Hartlepool as our burgesses of Newcastle-on-Tyne have in their town of Newcastle.)

MARLBOROUGH, 1204. Cum omnibus libertatibus et liberis consuetudinibus ita bene et in pace libere et quiete sicut cives nostri Wintonienses vel Oxonienses vel alii de terra nostra melius et liberior et quietius possessiones suas et libertates habent et tenent.

(With all the liberties and free customs as well and peaceably as freely and quietly as our citizens of Winchester or Oxford or any others of our land best and most freely and most quietly have and hold their possessions and liberties.)

LYNN, 1204 (a). Quare volumus et firmiter precipimus quod predicta villa de Lenna sit liber burgus in perpetuum et habeat omnes libertates et liberas consuetudines quas liberi burgi nostri habent in omnibus bene et in pace libere et quiete et integre plenarie et honorifice sicut predictum est.

(Wherefore we will and firmly order that the aforesaid town of Lynn be a free borough for ever, and have all the liberties and free customs which our free boroughs have in all things, well and peaceably freely quietly and completely fully and honourably as is aforesaid.)

LYNN, 1204 (b). Omnibus ad quos presens scriptum pervenerit, Johannes Dei gratia Norwicensis Episcopus salutem in Domino sempiternam. Noverit universitas vestra nos concessisse et presenti carta confirmasse villae nostrae de Lenn, videlicet toti parochiae ecclesiae Sanctae Margaretae in eadem villa et omnibus hominibus in eadem parochia manentibus, omnes et easdem libertates quas habent burgenses de Oxeneford, quia Dominus Rex nobis per cartam suam concessit ut eligeremus burgum in Anglia quemcunque vellemus, ut easdem libertates quas burgus ille habet, haberet et villa nostra de Lenna et nos elegimus Oxeneford. Et ideo volumus quod eadem villa sit liber burgus et easdem libertates habeat quas habet burgus de Oxeneford in omnibus, salvis nobis et successoribus nostris in perpetuum omnibus libertatibus et consuetudinibus quas habuimus et habemus in villa nostra de Lenna, secundum quod carta Domini Regis Angliae Johannis testatur, quam nobis fecit de libertatibus eidem burgo collatis.

(To all to whom this present writing shall come, John, by the Grace of God Bishop of Norwich, wishes everlasting health in the Lord. Be it known to you all that we have granted and by this present charter confirmed to our town of Lynn, to wit, to the whole parish of the church of St Margaret in the same town and to all the men dwelling in the same parish, all and the same liberties which the burgesses of Oxford have, because our Lord the King granted to us by his charter that we should choose a borough in England, whichever we willed, and that the same liberties which that borough has, our town of Lynn should also have, and we have chosen Oxford. And therefore we will that the same town be a free borough, and have the same liberties which the borough of Oxford has in all things, saving to us and our successors for ever all the liberties and customs which we had and have in our town of Lynn, according to what the charter of our Lord John, King of England, witnesses, which he made to us concerning the liberties conferred on the same borough.)

BIDEFORD, 1204—17. Let all men present and to come know that I Richard of Grenville have granted and by this present writing have confirmed to all those who shall hold a burgage within the town of Bideford as well on the East part of the water of Torridge as on the West part, all the liberties of Bristollia, as far as in my power doth lie, to defend to whomsoever they shall assign, to be holden and had of me and my heirs for ever, that is to say in such a manner.

LIVERPOOL, 1207. Johannes...omnibus fidelibus suis qui burgagia apud villam de Liverpul habere voluerint. Salutem. Sciatis quod concessimus omnibus fidelibus nostris qui burgagia apud Liverpul ceperint quod habeant omnes libertates et liberas consuetudines in villa de Liverpul quod aliquis liber burgus super mare habet in

terra nostra. Et ideo vos mandamus quod secure et in pace nostra illuc veniatis ad burgagia vestra recipienda et hospitanda.

(John...to all his lieges who wish to have burgages at the town of Liverpool, greeting. Know ye that we have granted to all our lieges who have taken burgages at Liverpool, that they shall have all the liberties and free customs in the town of Liverpool which any free borough on the sea has in our land. And so we order you that securely and in our peace you come thither to receive and inhabit your burgages.)

INVERNESS, 1199—1214. Concessi etiam burgensibus meis qui burgum meum de Invernīs inhabitabunt omnes leges et rectas consuetudines quas alii burgenses mei in aliis burgis meis de Scotia habitantes habent.

(I have granted also to my burgesses who shall dwell in my burgh of Inverness all the laws and right customs which my other burgesses have who dwell in my other burghs of Scotland.)

AYR, 1202—7. Et eidem burgo et burgensibus meis in eo manentibus omnes libertates et omnes liberas consuetudines concessisse quas alii burgi mei et mei burgenses in eis manentes per regnum meum habent.

(And that I have granted to the same burgh and my burgesses dwelling in it, all the liberties and free customs which my other burghs and my burgesses dwelling in them have throughout my realm.)

CHESTERFIELD, 1204. (To William Briwerr.) Volumus etiam quod predictum manerium de Cestrefeld cum omnibus pertinentiis suis habeat easdem libertates et liberas consuetudines quas burgenses de Notingham habent in omnibus locis et omnibus rebus.

(We will also that the aforesaid manor of Chesterfield with all its appurtenances shall have the same liberties and free customs which the burgesses of Nottingham have in all places and in all things.)

CHESTERFIELD, 1213. (To Richard Briwerr.)

CHESTERFIELD, 1215. (To William Briwerr.)

LEEK, 1209—28. Et volo quod predicti burgenses mei sint tam liberi ut sunt liberiores burgenses de aliquo burgo de Staff.

(And I will that my aforesaid burgesses be as free as the freest burgesses of any borough in Staffordshire.)

KELLS (*after* 1210). Preterea concessi eisdem burgensibus meis omnes libertates et liberas consuetudines quas barones de Lagenia burgensibus suis concesserunt et dederunt.

(Moreover I have granted to my said burgesses all the liberties and free customs which the barons of Leinster have granted and given to their burgesses.)

DROGHEDA, 1213. Sciatis nos dedisse...dilectis et fidelibus burgensibus nostris de Ponte de Drocheda et heredibus eorum in perpetuum quod habeant et teneant legem de Breteill cum omnibus libertatibus et consuetudinibus ad eandem legem pertinentibus... Quare volumus et firmiter precipimus quod predicti burgenses nostri habeant et teneant, predictas libertates et consuetudines et illis utuntur tam in Anglia quam in Hibernia adeo bene &c. sicut alii in tota terra nostra eas melius et liberius tenent et habent.

(Know ye that we have granted...to our beloved and faithful burgesses of the Bridge of Drogheda and their heirs for ever, that they shall have and hold the law of Breteuil with all the liberties and customs to the same law belonging. Wherefore we will and firmly enjoin that our aforesaid burgesses shall have and hold the aforesaid liberties and customs and use them both in England and in Ireland, so well &c. as others in our whole land best and most freely have and hold them.)

ABERDEEN, 1214. Sciatis...me concessisse...burgo meo et burgensibus meis de Aberden jura et libertates quae predecessores mei concesserunt burgo et burgensibus de Perth scilicet.

(Know ye that I have granted to my burgh and burgesses of Aberdeen the rights and liberties which my predecessors have granted to the burgh and burgesses of Perth, namely.)

DUNGARVAN, 1215. Sciatis nos concessisse...burgensibus nostris de Dungarvan et heredibus eorum omnes libertates et liberas consuetudines de Bretollio habendas et tenendas de nobis et heredibus nostris in perpetuum.

(Know ye that we have granted to our burgesses of Dungarvan and their heirs all the liberties and free customs of Breteuil to be had and holden of us and our heirs for ever.)

EYNSHAM, 1215. Has libertates et omnes alias bonas consuetudines quas eis dare possumus juxta libertates burgensium Oxon' et aliorum in comitatu Oxon', qui melius et liberius tenent, eis concedimus et confirmamus.

(These liberties, and all other good customs which we can give to them, according to the liberties of the burgesses of Oxford, and of others in the county of Oxford, who hold freer and better liberties, we grant and confirm to them.)

BRADNINCH, 1208. In this year King John granted to Henry Fitz Count son of Earl Reginald, a fair and Saturday market, at Bradninch, "cum omnibus libertatibus et liberis consuetudinibus quas civitas Exon' habet." (Rot. Chart. 183.)

(9) Preservation of Vested Interests

DUBLIN, 1192. Haec omnia eis concessi salvis tenuris et terris omnium eorum qui terras et tenuras habent per cartam meam inde extra muros usque ad predictas metas quod non possit civitas de terris illis sicut de aliis disponere sed faciant omnes consuetudines civitatis sicut alii cives: de illis autem haec dico qui cartam meam habuerunt de aliquibus terris infra predictas metas extra muros antequam civitati predictas libertates et hanc cartam concesserim.

(All these things I have granted to them saving the tenures and lands of all those who have lands and tenures by my charter in that behalf without the walls as far as the aforesaid bounds, because the city cannot dispose of those lands as of others, but they shall perform all the customs of the city as other citizens; I am speaking of those who had my charter in respect of any lands within the aforesaid bounds without the walls before I granted the aforesaid liberties and this charter to the city.)

DUBLIN, 1200.

MARLBOROUGH, 1204. Haec autem omnia eis concessimus salvis in omnibus libertatibus civitatis nostrae Londoniae.

(All these things we have granted to them, saving in everything the liberties of our city of London.)

CHESTERFIELD, 1204. Ita tamen quod burgi nostri de Notingham et Dereby libertates suas quas habent et habere debent non amittant.

(So that, however, our boroughs of Nottingham and Derby do not lose their liberties which they have and ought to have.)

CHESTERFIELD, 1213.

CHESTERFIELD, 1215.

LYNN, 1204 (c). Salvis in perpetuum predicto Johanni Norwicensi episcopo et successoribus suis et Willelmo comiti Arundell et heredibus suis libertatibus et consuetudinibus quas ipsi in predicta villa de Lenna antiquitus habuerunt et habere debuerunt.

(Saving for ever to John the Bishop of Norwich aforesaid and his successors and to William Earl of Arundel and his heirs, the liberties and customs which they of old had and ought to have in the aforesaid town of Lynn.)

LYNN, 1204 (a).

Line 1. *For* in perpetuum...Norwicensi *read* ipsi.

3. *After* villa *omit* de Lenna.

4. *Omit* et habere debuerunt.

ABERDEEN, 1214. Salvis libertatibus et liberis consuetudinibus quae ante concessionem istam datae fuerunt aliis burgis et burgensibus infra balliam de Aberden.

(Saving the liberties and free customs which, before this grant, were granted to other burghs and burgesses within the bailliwick of Aberdeen.)

(10) Disallowance of Charter

WHITBY, 1201. Sciatis nos concessisse Petro abbati de Witeby et successoribus suis et conventui de Witeby quod carta Ricardi de Watervill quondam abbatis de Witeby et conventus ejusdem loci, quam burgenses de Witeby habent et quae est contra dignitatem ecclesiae de Witeby ut dicitur, non confirmabitur a nobis, sed volumus et firmiter precipimus quod predicti burgenses faciant predicto abbati quod ei facere debent in omnibus, sicut plenius fecerunt et facere debuerunt tam ipsi Petro abbati quam antecessoribus suis.

(Know ye that we have granted to Peter abbot of Whitby and his successors and to the convent of Whitby that the charter of Richard of Watervill, formerly abbot of Whitby, and of the convent of the same place, which the burgesses of Whitby have, and which is contrary to the dignity of the church of Whitby, as they say, shall not be confirmed by us, but we will and firmly ordain that the aforesaid burgesses shall do to the aforesaid abbot what they ought to do to him in all things, as they most fully did and ought to do, both to the said abbot Peter and to his predecessors.)

(11) Papal Charters

DURHAM, 1159—1181¹. Alexander episcopus, servus servorum Dei, dilectis filiis Burgensibus Dunelmensibus salutem et apostolicam benedictionem.

Justis petentium desideriis dignum est nos facilem prebere consensum et vota quae a rationis tramite non discordant effectu prosequente complere. Eapropter, dilecti in domino filii, vestris justis postulationibus gratum impertinentes assensum, libertates et consuetudines rationabiles quas venerabilis frater noster Hugo Dunelmensis episcopus universitati vestrae cum capituli sui assensu concessit, auctoritate vobis apostolica confirmamus et presentis scripti patrocinio communimus.

Statuentes ut nulli omnium hominum liceat hanc paginam nostrae confirmationis infringere vel ei ausu temerario contraire: siquis autem hoc attemptare presumpserit, indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum ejus, noverit se incursum. Dat. Lat. xviii. Kal. Aprilis.

(Alexander, Bishop, servant of the servants of God, to his beloved sons, the Burgesses of Durham, health and apostolic benediction.

To the just desires of petitioners, it is worthy of us to afford easy assent, and to give effect to wishes which do not disagree with the bounds of reason.

¹ Hutchinson dates this 1179 or 1180.

Wherefore, beloved sons in the Lord, to your just requests granting a pleasant assent, the liberties and reasonable customs which our venerable brother Hugh, bishop of Durham, granted to your university with the consent of his chapter, we confirm to you with the apostolic authority and support by the gift of this present writing.

Decreeing that no man shall infringe this charter of our confirmation, or contravene it by rash daring: and if any presume to attempt this, let him know that he will incur the indignation of Almighty God, and of Peter and Paul, His blessed apostles.)

BEVERLEY, 1181—5. Lucius, episcopus, servus servorum Dei, dilectis filiis hominibus Beverlacensibus Salutem et Apostolicam benedictionem. Justis petentium desideriis annuere eis facilem prebere consensum cura nos ammovet suscepti regiminis et caritas ordinata requirit. Quia redemptorem omnium nobis prospiciamus reddimus cum quoslibet Christi fideles in suis justis postulationibus diligenti studio confovemus, eapropter, dilecti in Domino filii, vestris petitionibus grato concurrentes assensu, Libertates et vestras liberas consuetudines quas bonae memoriae Turstinus et Willelmus quondam Eboracensis ecclesiae archiepiscopi pie et canonice vobis indulsisse noscuntur, sicut in authenticis eorum scriptis exinde actis continentur, et a carissimo in Christo filio nostro Henrico illustri Anglorum rege corroboratae sunt, auctoritate vobis apostolica confirmamus et presentis scripti patrocinio communimus. Statuentes ut...incursurum (as in Durham charter). Dat. xiii. kal. Septembris.

(Lucius, Bishop, servant of the servants of God, to his beloved children the men of Beverley, Greeting and Apostolic benediction. The charge which we have undertaken moves us to listen and readily to yield to the just desires of those who seek; and our well-known kindness urges us to do so. And because we make the Redeemer of all men propitious to us when we give careful heed to the just demand of the faithful in Christ, therefore, children beloved in the Lord, giving ready assent to what you ask, Your liberties and free customs, which Thurstan and William of happy memory, formerly Archbishops of the Church of York, are known to have piously and lawfully granted to you, as is found in authentic writings made by them, which have been ratified by our dearest son in Christ, Henry the illustrious King of the English, We do by our apostolic authority confirm to you, and support by the gift of this present writing. Decreeing &c.....Dated 20th August.)

II A. BURGAGE TENURE AND LAW OF REAL PROPERTY

(I) Grants of Burgages¹

BRADNINCH, 1141—75. Sciant presentes et futuri quod ego Reginaldus Comes Cornubiae dedi et concessi et...confirmavi Burgensibus meis de Bradninch burgariam suam et placias suas sicut illae liberatae sunt et assignatae tenendas et habendas illis et heredibus suis in feodo et jure hereditario in perpetuum de me et heredibus meis libere et quiete et pacifice et integre bene et honorifice in aquis viis semitis et in omnibus bonis consuetudinibus.

(Know all men, present and future, that I Reginald² Earl of Cornwall have given and granted and confirmed to my burgesses of Bradninch their burgary and their places as they were delivered and assigned to them to be held and had to them and their heirs in fee and by hereditary right, for ever, of me and my heirs, freely and quietly and peacefully, and fully, well and honourably, in waters in ways in paths and in all good customs.)

BRADNINCH, 1215—20.

Line 2. *For* Reginaldus *read* Henricus filius Reginaldi Comitis Cornubiae.

3. *For* burgariam *read* burgagia.

SWANSEA, 1153—84. Notum sit me concessisse unicuique burgensi burgagium cum omnibus suis pertinentiis scilicet eorum assars et unicuique septem acras ultra nemus et supra Burlakesbroke.

(Be it known unto you that I have granted to each burgess a burgage with all its appurtenances, that is to say, their assarts, and to each one seven acres beyond the wood and above Burlakesbroke.)

HEDON, 1154—73. Sciatis me concessisse Willelmo comiti Albem' liberum burgagium in Hedduna sibi et heredibus suis in feudo et hereditate; ita quod burgenses ejus Heddune libere et quiete in libero burgagio teneant sicut burgenses mei de Eboraco vel Nichol' melius et liberius et quietius tenent illis consuetudinibus et libertatibus.

¹ For grant of burgage at Cork see I 8, p. 28.

² Copy inserts Arturus *before* Reginaldus.

(Know ye that I have granted to William Earl of Albemarle free burgage in Hedon to him and his heirs in fee and inheritance, so that his burgesses of Hedon shall hold freely and quietly in free burgage as my burgesses of York or Lincoln best and most freely and most quietly hold their liberties and customs.)

HEDON, 1200.

Line 1. *For Willelmo read Baldwino.*

2. *After Albem' add et Hawisiae comitissae uxori suae.*

For sibi read eis.

3. *For ejus read eorum.*

4. *For teneant read tenent.*

6. *Add sicut rex Henricus pater noster Willelmo comiti Albem' per cartam suam rationabiliter concessit.*

MALDON, 1171. Sciatis me ad petitionem Willelmi de Mandeville comitis Essexiae concessisse et...confirmasse burgensibus de Maudon et successoribus suis omnes terras et possessiones suas et tenementa sua quae tenentur de me infra burgum et extra usque ad terminos banleucarum ipsius burgi scilicet Haylespet Morisbrok Limburne Billincbrok Buherne Crabenhe Elyncroft tenenda et habenda libera et quieta finabiliter cum saca et soca tol et them et nam et infangthef hamsokene et blodwite et fihwite et grithbrege et ordel et orestal et flemenfret cum omnibus libertatibus et liberis consuetudinibus suis bene et in pace libere et quiete integre et plenarie et honorifice in terris in aquis in domibus mesuagiis in redditibus in mariscis in pasturis in viis in semitis in omnibus locis et in omnibus rebus predictis tenementis pertinentibus per servitium liberi burgagii.

(Know ye that I, at the petition of William of Mandeville, Earl of Essex, have granted and confirmed to the burgesses of Maldon and their successors all their lands and possessions and tenements which are held of me within the borough and without as far as the bounds of the banlieu of the same borough... to be had and held freely and quietly for ever with sake and soke toll and team nam and infangthef hamsoken and bloodwite fightwite and peacebreach, ordeal, and judicial combat and flemenfret¹ with all their liberties and free customs well and peaceably, freely and quietly, wholly and fully and honourably, in lands in waters in houses in messuages in rents in marshes in pastures in ways in footpaths, in all places and in all things to the aforesaid tenements pertaining by the service of free burgage.)

WHITBY, 1175—85. Sciant omnes visuri vel audituri has litteras me, assensu totius capituli mei, dedisse et concessisse in perpetuum Wytebyam in liberam burgagiam et burgensibus ibidem manentibus libertatem burgagiae et leges liberas liberaque jura: quietationem etiam in Wyteby et extra Wyteby in universis et de universis ad

¹ Penalty for harbouring fugitives.

Ecclesiam S. Petri et (abbati et monachis)¹ ibidem Deo servientibus pertinentibus, communemque pasturam: quattuor vero vias intrandi et exeundi ad burgum liberas et quietas de omnibus consuetudinibus.

(Know all men, who shall see or hear these letters, that I, with the assent of the whole of my chapter, have given and for ever granted Whitby in free burgage, and to the burgesses dwelling there their liberty of burgage and free laws and free rights: quittance also in Whitby and without Whitby in and of all things pertaining to the Church of St Peter and the abbot and monks there serving God, and common of pasture, and four ways of entering into and departing from the borough free and quit of all customs.)

WHITBY, 1199.

Omit lines 1 and 2 *as far as* *perpetuum and read* Sciant nos concessisse...burgensibus de Witeby omnes donationes et libertates et liberas consuetudines quas Ricardus abbas Witebyensis ejusdemque ecclesiae conventus eis dederunt et concesserunt et carta sua confirmaverunt scilicet quod habeant.

Line 3. *For* burgensibus...manentibus *read* quod habeant.

5. *For* etiam *read* et.

6. *After* S. Petri *read* de Wyteby.

7. *Before* communem *insert* quod habeant.

COVENTRY, 1181. Ut bene et honorifice et quiete et in libero burgagio teneant predicti burgenses et heredes sui de me et de heredibus meis sicut unquam in tempore patris mei vel aliorum antecessorum meorum melius et firmitus et liberius tenuerunt.

(That the aforesaid burgesses and their heirs may hold of me and my heirs well and honourably, quietly and in free burgage in the best and freest and firmest manner in which they ever held in the time of my father or of any of my predecessors.)

COVENTRY, 1186.

Line 1. *Insert* et in pace *after* bene.

Omit et quiete.

2. *Read* ipsi *for* predicti.

Omit et heredes *to* meis.

3. *Read* prefati comitis *for* mei.

4. *Read* suorum *for* meorum.

Omit et liberius.

BRISTOL, 1188. Concessi etiam eis omnes tenuras suas infra muros et extra muros usque ad predictas metas in messuagiis in virgultis in aedificiis super aquam et alibi ubicunque fuerint in villa tenendas in liberum burgagium scilicet per servitium landgabuli quod reddunt infra muros.

(I have granted also to them all their tenements within and without the walls as far as the boundaries aforesaid in messuages in shrubberies (orchards)

¹ Supplied from Charter of 1199.

in buildings over the water and elsewhere wherever they may be in the town, to hold in free burgage, that is to say, by the service of landgable, which they render within the walls.)

DUBLIN, 1192. Line 2. *After metas add ad disponendum inde pro voluntate sua per communem assensum civitatis.*

DUBLIN, 1200. As 1192.

LOSTWITHIEL, 1190—1200. Quilibet burgensis hereditarie burgagia sua vel burgagium teneat.

(Every burgess shall hold his burgages or burgage in inheritance.)

ELVET, 1188—1219. Quare volumus et concedimus ut predicti burgenses nostri habeant et teneant et jure hereditario possideant de nobis terras suas in predicto burgo nostro, cum omnibus prefatis libertatibus...reddendo inde nobis annuatim firmam nostram juxta quod inter nos convenit, scilicet, medietatem ad festum Sancti Cuthberti in Quadragesima, et aliam medietatem ad festum Sancti Cuthberti in Septembri.

(Wherefore we will and grant that our aforesaid burgesses shall have and hold and possess of us by hereditary right, their lands in our aforesaid borough with all the aforesaid liberties...Rendering to us yearly our farm as it is agreed between us, that is, one moiety at the feast of St Cuthbert in Lent, and the other moiety at the feast of St Cuthbert in September.)

PONTEFRACT, 1194. Sciant presentes et futuri quod ego Rogerus de Lasci constabularius Cestriae dedi et concessi et...confirmavi burgensibus meis de Pontefracto et heredibus et successoribus suis libertatem et liberum burgagium et toftos suos tenendos de me et heredibus meis in feodo et hereditate libere et quiete honorifice et integre.

(Know all men present and future, that I Roger de Lacy, Constable of Chester, have given granted and confirmed to my burgesses of Pontefract and their heirs and successors their liberty and free burgage and their tofts to be held of me and my heirs in fee and inheritance freely and quietly, honourably and wholly.)

LEEDS, 1208.

Line 2. *For Rogerus...Cestriae read Mauritius Paynell.*

3. *Omit et successoribus.*

4. *After toftos suos add et cum quolibet tofto dimidium acrae colendum.*

DROGHEDA (*Meath*), 1194. Sciatis me (Walterum de Lacy dominum Midiae) dedisse...omnibus burgensibus meis de Drokedale ex illa parte pontis manentibus quae proxima est castello meo de Drokedale, scilicet versus australem partem, villam et burgagia sua

eis attributa sicut ea illis attributa erant legali consideratione et juramento militum nostrorum et burgensium.

(Know ye that I (Walter de Lacy Lord of Meath) have given to all my burgesses of Drogheda dwelling on that side of the bridge which is nearest my castle of Drogheda, that is on the south side, the town and burgages assigned to them, as they were assigned to them by the lawful consideration and oath of our knights and burgesses.)

RATHMORE, 1195—1247. Sciant presentes et futuri quod ego Mauritius filius Geraldii dedi...burgensibus meis de Rathmore quattuor viginti et quinque burgagia cum pertinentiis videlicet ad unumquodque burgagium septem acras terrae et frontem et undecim burgagia in eadem villa scilicet ad unumquodque burgagium dimidiam acram terrae et frontem.

(Know all men present and future that I Maurice fitz Gerald, have given... to my burgesses of Rathmore four score and five burgages with their appurtenances, viz. to every burgage seven acres of land and a frontage, and eleven burgages in the same vill, viz. to every burgage half an acre of land and a frontage.)

SWORDS, 1196. Noverit universitas vestra nos concessisse et... confirmasse burgensibus nostris de Swerdes omnia burgagia sua sicut primo instituta et data fuerint.

(Know ye all, that we have granted and confirmed to our burgesses of Swords all their burgages as they were founded and given at first.)

LIMERICK, 1197. Ceterum sciatis nos habere ratum et gratum et stabilitum in perpetuum liberationes burgagiorum cum omnibus libertatibus et prescriptionibus quas Hamo de Valogniis in civitate Limericensi fecerit sicut ipse predicta burgagia locavit omnibus civibus nostris de eadem civitate.

(Moreover, know ye that we consider as fixed satisfactory and established for ever the liveries of the burgages with all the liberties and prescriptions which Hamo de Valoins made in the City of Limerick, as he leased the aforesaid burgages to all our citizens of the same city.)

BURTON-ON-TRENT, 1197—1213. Noverit universitas vestra quod dominus rex concessit nobis facere unum burgum apud Burton, et omnes libertates et liberas consuetudines ad burgum pertinentes nobis pro salute animae suae dedit et carta sua confirmavit.

Et ideo volumus ut omnes qui post hanc regiam concessionem nobis factam de nobis burgagia accipiunt, scilicet in vico illo qui jacet a magno ponte de Burton usque ad novum pontem versus Horningelawe, ea habeant ipsi et heredes sui libere et quiete.

(Be it known that our lord the King has granted us permission to make a borough at Burton, and has given and by his charter confirmed to us all the liberties and free customs to a borough pertaining, for the salvation of his soul. And so we will that all who, after this royal grant was made to us, receive burgages from us, that is to say, in that street which lies from the great bridge of Burton to the new bridge towards Horninglow, shall hold them, they and their heirs, freely and quietly.)

WALSALL (after 1198). Sciant presentes et futuri quod ego Willelmus Ruffus dedi concessi et hac presenti carta mea confirmavi omnibus burgensibus de Walessale et heredibus suis vel suis assignatis burgagia sua libera et quieta ab omni servicio consuetudine et demanda seculari mihi vel heredibus meis pertinenti.

(Know all men present and future that I William Ruffus have given granted and by this my present charter have confirmed to all the burgesses of Walsall and their heirs or assigns their burgages free and quit of all service custom and secular demand pertaining to me or my heirs.)

MARLBOROUGH, 1204. Concessimus etiam quod predictum burgum de Merleberge et burgenses nostri in eo tenentes et manentes et heredes eorum mansiones et possessiones suas habeant et teneant de nobis et heredibus nostris.

(We have granted also that the aforesaid borough of Marlborough and our burgesses holding and dwelling in it, and their heirs, shall have and hold their houses and possessions of us and our heirs.)

KILKENNY, 1202—10. Preterea concessi eisdem burgensibus quod habeant et teneant illi et heredes sui de me et heredibus meis libere et quiete imperpetuum burgagia sua cum pertinentiis suis pro redditu quem Galfridus filius Roberti primo constituit, burgagium scilicet cum pertinentiis pro redditu duodecim denariorum annuatim solvendo, medietatem ad Pascham et aliam medietatem ad festum Sancti Michaelis.

(Moreover I have granted to the same burgesses that they and their heirs may have and hold of me and my heirs their burgages with their appurtenances freely and quietly for ever, for the rent which Geoffrey fitz Robert fixed at first, that is to say, a burgage with its appurtenances for the rent of twelve pence to be paid annually, one moiety at Easter, and the other at Michaelmas.)

INISTIOGE (after 1206).

Line 2. *For* heredibus meis *read* successoribus nostris.

3. *For* pertinentiis suis *read* tribus acris unicuique burgagio assignatis.

STRATFORD-ON-AVON, c. 1195. Bishop John de Constantiis bestowed on the burgesses of Stratford the inheritance of their burgages.

Line 4. *Omit burgagium to end and read:*

Reddendo nobis heredibus et successoribus nostris de quolibet burgagio annuatim pro omni servicio duodecim denarios duobus terminis, scilicet sex denarios ad Pascham et sex ad festum Sancti Michaelis.

(Rendering to us our heirs and successors for every burgage annually for all service, twelve pence at the two terms, namely six pence at Easter and six pence at Michaelmas.)

FRODSHAM, 1209—28. Quod unusquisque eorum habeat unum liberum burgagium in eodem burgo et unam acram in campis.

(That each of them shall have one free burgage in the same borough and one acre in the fields.)

LEEK, 1209—28. Quod quilibet predictorum burgensium habeat dimidiam acram terrae ad mansuram suam et unam acram in campis.

(That each of the burgesses aforesaid shall have half an acre of land for his dwelling and one acre in the fields.)

KELLS (after 1210). Item concessi eisdem burgensibus meis de Kenel' quod habeant et teneant ipsi et heredes sui de me et heredibus meis burgagia sua cum terris forinsecis et omnibus aliis pertinentiis suis per easdem metas et abundas per quas Galfridus filius Roberti in prima edificatione dictae villae de Kenel' eis concessit dedit et assignavit videlicet per duodecim denarios unumquodque burgagium cum pertinentiis suis annuatim solvendis, scilicet medietatem ad Pascham et aliam medietatem ad festum Sancti Michaelis pro omni servitio.

(I have granted to my said burgesses of Kells that they and their heirs may have and hold of me and my heirs their burgages with their foreign lands and all their other appurtenances throughout the same metes and bounds as Geoffrey fitz Robert at the first building of the said town of Kells granted gave and assigned to them, to wit, each burgage with its appurtenances for twelve pence to be paid yearly, that is to say, one moiety at Easter, and the other moiety at Michaelmas, in lieu of all service.)

LIMERICK, 1215. Sciatis nos concessisse...omnibus qui terras ceperunt vel capient de civibus nostris Limeric' de quadraginta carucatis terrae quae assignatae fuerunt civitati Limeric' in burgagium per dominum Johannem Norwicensem episcopum quondam justiciarium nostrum Hiberniae, quod ipsi et heredes eorum imperpetuum habeant et teneant de nobis et heredibus nostris terras illas, et eas emendent edificiis et aliis prout expediens erit eis et civitati predictae, per redditum qui statutus fuerit per predictum Johannem Norwicensem

episcopum nobis et heredibus nostris de predictis quadraginta carucatis terrae reddendus.

(Know ye that we have granted...to all those who have taken or shall take lands of our citizens of Limerick from the forty carucates of land which were assigned to the city of Limerick in burgage by John, Lord Bishop of Norwich, formerly our Justiciar of Ireland, that they and their heirs for ever shall have and hold those lands of us and our heirs, and may improve them with buildings and otherwise as shall be expedient to them and the aforesaid city, by the rent which was fixed by the said John, Bishop of Norwich, and is to be paid to us and our heirs from the aforesaid forty carucates.)

DUNWICH, 1215. Sciatis nos concessisse...probis hominibus et burgensibus nostris Dunewic et heredibus eorum pro fideli servitio suo liberum burgagium.

(Know ye that we have granted...free burgage to our upright men and burgesses of Dunwich and their heirs, for their loyal service.)

EYNESHAM (*Newland*), 1215. Sciatis nos pro utilitate et promotione Domus nostrae per consilium amicorum nostrorum locasse totam terram quae fuit de dominico nostro et jacet extra villam Egnesham scilicet inter ipsam villam et magnam stratam versus pontem de Kersintone ad austrum et similiter totam illam terram quae fuit de dominico nostro versus north in longitudine viginti perticarum ab eadem strata versus north, tali conditione quod quicumque de illis terris tenuerit unam acram solvet nobis quattuor solidos, videlicet ad Natale Domini xii d., et ad Annuntiationem beatae Virginis xii d., et ad Nativitatem beati Johannis Baptistae xii d., et ad festum Sancti Michaelis xii d.; et qui tres partes unius acrae tenuerit, solvet nobis tres solidos dictis terminis; et qui dimidiam acram tenuerit, solvet nobis duos solidos eisdem terminis; et qui quartam partem tenuerit, solvet nobis xii d. terminis memoratis; et quicumque de illis terris aliquid acceperint, sine alicujus contradictione illud teneant pro predicto servitio, jure hereditario illi et heredibus in perpetuum, tam in viis et semitis, quam introitibus et exitibus infra metas predictas assignatas, libere et quiete ab omni servitio et seculari exactione ad nos pertinente; ab omni etiam forinseco servitio ita liberi et quieti permaneant, sicut dominicum nostrum in Egnesham.

(Know ye, that for the utility and improvement of our house, by the advice of our friends, we have let all that land which was of our demesne and lies without the town of Eynsham, to wit between the same town and the great street towards Cassington bridge to the south and likewise all that land which was of our demesne towards the north, in length 20 perches from the same street towards the north, on this condition that whoever holds an acre of those

lands shall pay us 4s. (yearly), that is to say, at Christmas 12*d.*, at Lady Day 12*d.*, at Midsummer 12*d.*, and at Michaelmas 12*d.*; and he who holds three quarters of an acre shall pay 3s. at the said terms: and he who holds half an acre shall pay two shillings at the same terms; and he who holds a quarter of an acre shall pay 1s. at the said terms: and whoever holds any of those lands shall hold it without any gainsaying for the aforesaid service, by hereditary right, to him and his heirs for ever, both in ways and footpaths, and in exits and entrances within the assigned bounds of the aforesaid lands, freely and quietly from all service and secular exaction to us pertaining; they shall remain also free and quit of all forinsec service, as our demesne in Eynsham.)

(2) Gablum

WALLINGFORD, 1156. Sciatis pretereā me dedisse et concessisse imperpetuum omnibus hominibus de Walingefordiae plenam quietantiam de annuo gablo meo quod solebant reddere de Burgo Walingefordiae, de eo, scilicet quod ad me pertinet in Burgo.

(Know ye moreover that I have given and granted for ever to all the men of Wallingford, full quittance of my yearly gablum which they were wont to pay me from the Borough of Wallingford, that is to say, of that which pertains to me in the borough.)¹

BURY ST EDMUNDS, 1121—38. Quicunque habet in villa S. Edmundi maisuras de burgali terra pro singulis maisuris dabit per annum preposito singulos obolos ad duos terminos ad Pentecostam et ad festum S. Martini.

(Whoever has in the town of St Edmund masures of burgage tenure, shall give each year to the reeve for each masure a halfpenny at each of the two terms, that is, at Whitsuntide, and Martinmas.)

BURY ST EDMUNDS, 1182—1212.

Line 2. *For* maisuras (-is) *read* mansuras (-is).

3. *For* preposito...terminos *read* duos ferthingos.

3 and 4. *Before* ad *insert* unum.

BRADNINCH, 1141—75. Pro sex denariis mihi et heredibus meis annuatim reddendis in vigilia Paschae pro omni servitio querela et seculari actione.

(For six pence yearly to be rendered to me and my heirs at Easter Eve for all service complaint and secular exaction.)

BRADNINCH, 1215—20.

¹ See Introduction.

DUNSTABLE, 1112—7. Ut omnes ibi accedentes ad morandum pro singulis acris darent duodecim denarios annuatim.

(That all going there to live, should give twelve pence a year for each acre.)

SWANSEA, 1153—84. Haec autem predicta concessi burgensibus meis de Sweynesse et heredibus eorum ad tenendum de me et heredibus meis hereditario jure unoquoque eorum reddendo mihi singulis annis xii denarios.

(All these things aforesaid have I granted to my burgesses of Swansea and their heirs to hold of me and my heirs by hereditary right, each one of them rendering twelve pence yearly to me.)¹

SCARBOROUGH, 1155. Et ipsi de unaquaque domo de Escardeburg cujus gabulum est tornatum adversus viam mihi reddent singulis annis quattuor denarios, et de illis domibus quarum latera versa sunt versus viam sex denarios per annum.

(And they shall pay to me yearly, for each house in Scarborough whose gable is turned towards the street four pence, and for those houses whose sides are turned towards the street, six pence.)

SCARBOROUGH, 1200.

WHITBY, 1175—85. De unaquaque tofta reddendo pro universis servitiis annis singulis v denarios, dimidiam ad Pentecosten et dimidiam ad festum S. Martini.

(For every toft rendering for all services five pence every year, half at Whitsuntide and half at Martinmas.)

WHITBY, 1199.

CARDIFF, 1147—83. Quod quodlibet burgagium dabit de annuo redditu xii denarios pro omni servitio.

(That each burgage shall pay twelve pence as yearly rent, for all service.)

TEWKESBURY, 1147—83. Inprimis quod burgenses predicti burgi haberent et tenerent burgagia sua in burgo predicto per liberum servitium, videlicet, quilibet eorum unum burgagium tenens illud per servitium duodecim denariorum per annum eisdem comitibus reddendorum. Et si plura, quodlibet eorum per servitium duodecim denariorum per annum una cum servitio faciendi sectam ad curiam ipsorum comitum burgi predicti de tribus septimanis in tres septimanas pro omni servitio haberent et tenerent.

(First, that the burgesses of the aforesaid borough should have and hold their burgages in the aforesaid borough by free service, to wit, each of them holding one burgage, should hold it by the service of paying each year 12*d.* to the said Earls. And if they hold more, they should have and hold each of them by the service of 12*d.* per annum together with the service of doing suit to the Court of the said Earls in the aforesaid borough from three weeks to three weeks for all service.)

¹ This does not look unlike a Poll tax.

LOSTWITHIEL, 1190—1200. Reddendo de quolibet burgagio vi denarios annuatim scilicet tres denarios ad Pascham et totidem ad festum S. Michaelis pro omni servitio et pro omni querela.

(Rendering from each burgage six pence yearly, to wit, three pence at Easter, and as much at Michaelmas, for all service and complaint.)

OKEHAMPTON, 1194—1242. Reddendo inde annuatim de quolibet burgagio mihi et heredibus meis per manus prepositi mei de burgo ad festum S. Michaelis duodecim denarios pro omnibus servitiis et exactionibus ad me vel heredes meos pertinentibus.

(Rendering thence annually from each burgage to me and my heirs by the hands of my reeve of the borough at Michaelmas twelve pence for all services and exactions to me or my heirs pertaining.)

DROGHEDA, 1194. Istam predictam villam et predicta burgagia et tres [acras] predictas et liberam legem britolli prememoratam dedi et concessi...prefatis burgensibus meis et heredibus suis post illis habenda et tenenda hereditarie in libero burgagio de me et heredibus meis, reddendo annuatim de unoquoque burgagio duodecim denarios, scilicet vi d. ad Clausam Paschae et vi d. ad festum beati Michaelis pro omni servitio.

(That aforesaid vill and the aforesaid burgages and the three acres aforesaid and the free law of Breteuil aforesaid, I have given and granted to my aforesaid burgesses and their heirs after them to be had and holden in inheritance, in free burgage, of me and my heirs, rendering yearly for every burgage twelve pence, viz. 6*d.* at Easter, and 6*d.* at the feast of the Blessed Michael for all service.)

PONTEFRACT, 1194. Reddendo annuatim mihi vel heredibus meis xii denarios pro quolibet tofto integro sicut fuerunt (? fecerunt) in tempore Henrici de Lascy pro omnibus servitiis Reddendo medietatem ad mediam quadragesimam et medietatem ad festum S. Michaelis.

(Rendering yearly to me or my heirs 12 pence for every whole toft as they did in the time of Henry de Lacy for all services, rendering one moiety at Mid Lent, and the other moiety at Michaelmas.)

LEEDS, 1208.

Line 2. *For* xii *read* xvi.

For integro *read* et dimidio acrae.

Omit sicut...end, and *read* ad Pentecosten et St Martinum.

RATHMORE, 1195—1247. Reddendo inde annuatim ipsi et heredes sui mihi et heredibus meis pro unoquoque burgagio xii d

STRATFORD-ON-AVON, c. 1195. Paying yearly for each of them to himself and his successors 12 pence for all services at four times in the year.

sicut continetur in carta quam habent de bonae memoriae Geraldo patre meo.

(Rendering thence yearly, they and their heirs, to me and my heirs for every burgage twelve pence as is contained in the charter which they have from Gerald my father of blessed memory.)

SWORDS, 1196. Videlicet pro singulis burgagiis xii denarios annuatim solvendis in duobus terminis, medietatem ad Pascham, et aliam medietatem ad festum S. Michaelis.

(This is to say, for each burgage 12 pence yearly to be paid in two instalments, one moiety at Easter, and the other moiety at Michaelmas.)

BURTON-ON-TRENT, 1197—1213. Reddendo nobis annuatim pro quolibet burgagio xii denarios pro omni servitio, ad duos terminos videlicet ad festum S. Michaelis vi denarios et ad Pascham vi denarios.

(Rendering to us yearly for each burgage 12 pence for all service, at the two terms, namely at Michaelmas six pence and at Easter six pence.)

WALSALL (after 1198). Reddendo ipsi et heredes sui vel sui assignati mihi et heredibus meis duodecim denarios pro quolibet burgagio ad quattuor anni terminos in manerio de Walessale consuetos Et si quis majus habuerit quam unum burgagium plus dabit secundum quantitatem terrae pro omni servicio consuetudine exactione et demanda seculari salvo dicto tallagio.

(Rendering, they and their heirs or assigns to me and my heirs, twelve pence for every burgage at the four terms of the year accustomed in the manor of Walsall, and if any hold more than one burgage, he shall pay more according to the quantity of his land, for all service custom exaction and secular demand, saving the said tallage.)

WELLS, 1201. Retento nobis annuo redditu duodecim denariorum de singulis messuagiis.

(Reserving to us the yearly rent of 12 pence from each messuage.)

BIDEFORD, 1204—17. Every one holding one messuage or a garden with six acres of land abroad of my lordship shall pay for the same on the feast of St Michael to me or my bailiff in the town of Bideford twelve pence: and he that holds one messuage with an orchard only shall yield to me for the same sixpence on the same day for all services and exactions, excepting only homage.

AYR, 1202—7. Reddendo annuatim mihi pro quolibet tofto et sex acris illis adjacentibus duodecim denarios.

(Rendering yearly to me for each toft and six acres thereto adjoining, twelve pence.)

FRODSHAM, 1209—28. Reddendo inde annuatim duodecim denarios pro omnibus serviitiis.

(Rendering thence twelve pence yearly for all services.)

LEEK, 1209—28. Et burgenses predicti per primos tres annos quieti erunt de firma et post tres annos elapsos reddent quilibet eorum duodecim denarios de firma per annum pro omni servitio.

(And the aforesaid burgesses for the first three years shall be quit of rent, and after three years have elapsed shall pay each of them twelve pence of rent every year for all service.)¹

(3) Building Burgages

BRISTOL, 1188. Quod quilibet eorum possit se emendare quantum poterit in aedificiis faciendis ubique super ripam et alibi sine damno burgi et villatae.

(That each of them may make improvements as much as he can, in making buildings everywhere, on the river-bank and elsewhere, so that there be no damage to the borough and the township.)

DUBLIN, 1192.

Line 2. *For* ubique *read* ubicunque voluerint.

Omit alibi.

3. *For* burgi *read* civium.

DUBLIN, 1200 as 1192.

EGREMONT, c. 1202. Item, si quis burgensis non edificaverit burgagium infra terminum sibi statutum scilicet infra annum, dabit domino pro forisfacto duodecim denarios.

(Item, if any burgess does not build his burgage within the term limited to him, that is, within a year, he shall pay to the lord as a forfeiture, 12 pence.)

KILKENNY (1202—10). Et qui tenementa sua habent prope aquam, liceat eis extendere ea et edificare super aquam si velint.

(And those who have houses adjoining the water, may extend them and build over the water, if they wish.)

INISTIOGE (after 1206).

KELLS (after 1210).

KILKENNY, 1202—10. Concessi etiam burgensibus meis quod possent per viginti pedes terrae liberos facere tenentes suos ita quod communem habent cum burgensibus libertatem.

(I have granted also to my burgesses that they may make free tenants of their tenements for twenty feet in front of their burgages, so that they have common liberty with the burgesses.)

¹ See also, Kilkenny, Kells, Inistioge, Eynsham in preceding Title.

INISTIOGE (after 1206).

Line 2. *For* possent *read* possint *and add* de tenementis suis.

KELLS (after 1210).

Line 2. *After* possent *insert* de tenementis suis.

After terrae *insert* in fronte burgagii.

After ita quod *insert* communionem et.

(4) Area of Burgages¹

BURTON-ON-TRENT, 1197—1213. Habebit unumquodque burgagium xxiv perticatas in longitudine et iv in latitudine. Qui vero minus in illo loco habuerit secundum estimationem minus dabit.

(Each burgage shall have a length of 24 perches and a breadth of 4 perches. He who has less in that place, shall pay less in proportion.)

*PONTEFRAC*T, 1194. Cuique licet in terra sua quaelibet officina facere ad perficiendam firmam domini.

(It shall be lawful for any burgess to build any offices he may please on his land to complete the lord's farm, i.e. to assist him in raising his rents.)

LEEDS, 1208.

(5) Appurtenances of Burgages²

SWANSEA, 1153—84. In domibus suis et extra domos suas spatium vii pedum in rure ante hostia sua pacem illis concessi et super burgagia sua furnum et bracinum et estre et omnia proficua sua libere et quiete.

(I have granted peace to them in their houses, and without their houses, for the space of seven feet before their doors, and (that they may have) on their burgages oven and brewhouse and porches and all things for their profit freely and quietly.)

KELLS, 1194—1241. Et tres acras ad quodlibet burgagium.

(And three acres to every burgage.)

DROGHEDA, 1194. Ita scilicet quod unumquodque burgagium eis attributum quinquaginta pedes habeat de fronte et tres acras in campis.

(So that every burgage assigned to them shall have fifty feet in frontage and three acres in the fields.)

¹ *STRATFORD-ON-AVON*, c. 1195. To every one of which burgages he allowed 3½ perches in breadth and 12 in length.

² For land in fields see also Bideford, Swansea, Rathmore and Frodsham II A 1.

PONTEFRACT, 1194. Sciant omnes presentes et futuri quod ego Rogerius de Laci constabularius Cestriae dedi et concessi et... confirmavi burgensibus meis de Pontefract qui habent terram in mora ix viginti acras terrae (et quattuordecim et) dimidiam acram in mora tenendas sibi et heredibus suis de me et heredibus meis libere.

Reddendo inde annuatim mihi et heredibus meis pro omni servitio pro qualibet acra quattuor denarios de (firma ad) festum S. Michaelis scilicet Spraghgeno xxxii acras etc.

(Know all men present and to come, that I Roger de Laci, constable of Chester, have given and granted and confirmed to my burgesses of Pontefract who have land in the moor, nine score acres of arable land and fourteen and a half acres in the fields, to hold to them and their heirs of me and my heirs freely quietly and peaceably.

Rendering thence yearly to me and my heirs for all service, for every acre, four pence of farm at the feast of St Michael, to wit, to Spraghgenus 32 acres etc.)¹

AYR, 1202—7. Concessi etiam burgensibus ibidem manentibus ut cum quolibet plenario tofto suo habeant sex acras terrae quas de boscho extirpaverint infra predictas nummatas terrae ad faciendum inde commodum suum.

(I have granted also to the burgesses dwelling there that with every full toft they shall have six acres of land which they shall have cleared of under-wood within the aforesaid pennyworths of land, with a view to making their profit from them.)

(6) Rights of Timber

LEICESTER, 1118—68 (*a*). Concedo burgensibus meis de Leicestria vias hominum et summariorum suorum quietas ab omni consuetudine et in bosco et in plano usque ad domos suas de quacunque parte aut de cujuscunque foresta veniant sicut videlicet unquam melius fuerunt² tempore patris mei.

(I grant to my burgesses of Leicester ways for their men and sumpter horses, quit of all custom, both in wood and in plain, as far as their own doors from whatever part or whatever forest they may come, exactly as they ever best had them in the time of my father.)

¹ The translation is from Boothroyd's *Pontefract*, App. III, and the words in brackets in the text are supplied from this translation.

² Line 5. *For fuerunt Miss Bateson reads habuerunt.*

LEICESTER, 1191—1204 (*b*). Concedo burgensibus meis de Leycestria ut liceat eis ire in nemora vicinorum meorum quocunque voluerint pro lignis et clausturis et ceteris necessariis et habere vias quietas et liberas per forestam meam, scilicet per portam de deresfordia et per holengate usque ad domos suas sicut melius et liberius umquam habuerunt tempore patris mei et sicut carta patris mei testatur quod ipsi habent. Et nullus forestariorum meorum ac ministrorum meorum super hoc disturbet aut homines eorum aut quadrigas aut summaria eorum.

(I grant to my burgesses of Leicester that it shall be lawful for them to go into the woods of my neighbours wherever they will for firewood and fencing and other necessities, and to have their ways, quiet and free, through my forest, to wit, by the Deresford gate, and by Holengate as far as their houses, as they ever best and most freely had them in the time of my father, and as my father's charter witnesses that they have them. And none of my foresters and ministers shall disturb them in this matter, nor their men, nor their waggons, nor their sumpter animals.)

GATESHEAD, 1153—95. Sciatis nos concessisse et...confirmasse burgensibus nostris de Gatesheved plenariam libertatem in forestagio reddendo in dimidio anno scilicet a Pentecosta usque ad festum Sancti Martini pro unaquaque quadriga quae ad nemus ibit ii d et pro equo ii d et pro homine piscante i d ad omnia quae sibi fuerint ad proprios usus necessaria, salvis hiis quae prohibita sunt.

Non licebit alicui forestario infra metas quae statutae sunt inter forestam nostram et burgum manum mittere super burgensem vel super aliquem manentem in burgo, vel super quadrigam vel averia ejus causa impediendi sive habeat ligna sive meremium sive aliud.

Et si qua loquela orta fuerit inter forestarium et burgenses terminetur in eodem burgo si fieri potest, sin autem in presentia nostra terminetur.

Predictis burgensibus liceat habere herbam et juncos et felgeram et bruieram ad proprios usus ubicunque habere solent ita quod nihil inde vendant.

Et si burgensis turbas foderit ad proprium focum et propriam quadrigam non habuerit, si forte ad trahendas turbas plures quadrigas conduxerit, quietus sit dando pro omnibus quadrigis ii d pro forestagio.

Et licebit cuilibet burgensi dare de lignis suis cuicunque voluerit manentium citra Tynam sine pravo ingenio sed nemini vendere sine licentia forestarii.

Et nullus forestarius disturbabit aliquam mercandiam quae venerit inter predictas metas.

(Know ye that we have granted and confirmed to our burgesses of Gateshead full liberty in the forest, on their paying for the half year, to wit from Whitsuntide to Martinmas, for every waggon that goes into the wood 2*d.*, and for a horse 2*d.*, and for a man fishing 1*d.*, for all things which are necessary for their own use, except those things which are prohibited.

It shall not be lawful for any forester within the bounds which are fixed between our forest and the borough to lay hand on a burgess or on any man dwelling in the town, or upon his waggon or beasts to hinder him, whether he have firewood or timber or anything else.

And if any suit arise between the forester and the burgesses, it shall be determined in the same borough if possible, but if not, it shall be determined in our presence.

The aforesaid burgesses may have grass and rushes and bracken and brushwood for their own use wherever they were wont to have it, as long as they sell none of it.

And if a burgess dig turves for his own hearth and have not his own waggon, if perchance he hire many waggons for drawing his turves, he shall be quit by paying two pence for forest dues for all his waggons.

And any burgess may give of his firewood to whomever he will of those dwelling this side of the Tyne, without evil intent, but he may not sell to any, without the license of the forester.

And no forester shall disturb any merchandise which shall come within the aforesaid bounds.)

SWANSEA, 1153—84. *Quercum ad domos suas et sepes et naves faciendas, reddendo de nave xii denarios, et omne aliud nemus ad ignem eorum et ad omnia aysiamenta sua et ferendum et ad vendendum ubicunque voluerint et poterint.*

(Oaks for making their houses and fences and ships, yielding for each ship twelve pence, and all other timber for their fire and for all their easements and to take away and sell wherever they wish and can.)

PEMBROKE, 1154—89. *Concedo etiam ut burgenses ejusdem villae meae de forestis nostris Nerbert et Coitrache viride habeant ad herbargandum in eadem villa per documentum forestarii, et mortuum ad comburendum et capiendum ubicunque invenerint, et si ipsi in forestis nostris porcos habuerint, quiete eos sine pannagio habeant.*

(I grant also that the burgesses of my said town may have green timber from our forests of Nerbert and Coitrach for building in the same town, by the instructions of the forester, and dead wood for burning to be taken wherever they may find it, and if they have pigs in our forests, they may have them quietly without pannage.)

WEARMOUTH, 1162—86. *Praeterea volumus ut liceat burgensibus adquirere ad usum suum tam mairemiam quam focalia eadem libertate qua burgenses Dunelmenses eadem sibi adquirunt.*

(Moreover, we will that it shall be lawful for the burgesses to take for their

own use, both timber and firewood, under the same conditions as the burgesses of Durham take the same for themselves.)

CARLISLE, 1154—89. (Reconstructed.) Quod habere debent et consueverunt de mortuo bosco meo ad ignem suum faciendum rationabile estoverium per diversa loca in foresta mea Karleoli, et similiter maeremium ad edificandum absque vasto forestae meae per assignationem servientium et forestariorum meorum in diversis locis annuatim.

(That they ought and were wont to have reasonable estovers of my dead wood for making their fires throughout divers places in my forest of Carlisle, and likewise timber for building without waste of my forest, by the assignment of my serjeants and foresters in divers places every year.)

PRESTON, 1188—99. Et de ipsa foresta quantum eis opus fuerit ad villam suam edificandam per visum forestariorum meorum.

(And of the said forest as much timber as they need for building their town, under the supervision of my foresters.)

PRESTON, 1199. Line 1. *Omit* eis.

LANCASTER, 1193. Concessi etiam eis de mortuo bosco in foresta mea quantum eis opus fuerit ad comburendum et de alio bosco quantum opus fuerit ad edificandum per visum forestariorum meorum.

(I have also granted them as much dead wood in my forest as they need for burning, and as much other wood as they need for building, under the supervision of my foresters.)

LANCASTER, 1199.

TRIM, 1194—1241. Concessi etiam eisdem burgensibus ut habeant veterem boscum jacentem in foresta de Trim ad sua focalia per visum forestariorum meorum.

(I have also granted to the said burgesses that they may have old wood lying in the forest of Trim for firewood, under the supervision of my foresters.)

OKEHAMPTON, 1194—1242. Si aliquis burgagium novum ceperit, consilio seneschalli mei et bonorum meorum hominum auxilium domus habebit in bosco meo de Okem'.

Quilibet burgensis suum habeat cum quattuor porcellis quietis de pannagio in bosco meo de Okem'.

(If anyone take a new burgage, he shall have house-bote in my wood of Okehampton by the advice of my seneschal and good men.

Every burgess may have his sow and four little pigs quit of pannage in my wood of Okehampton.)

HAVERFORDWEST (1189—1219). Item, quod habeant burgenses illi de foresta mea de Nerberd' mortuum boscum sibi ad ardendum et viridem ad sibi edificandum rationabiliter per visum forestariorum.

(Also, that the burgesses may have reasonably of my forest of Nerberd dead wood for burning and green wood for building, under the supervision of the foresters.)

EGREMONT, c. 1202. Item, burgenses capiant necessaria ad propria aedificia sua infra predictas divisas sine visu forestariorum, salvo meremio meo.

Si quis exciderit boscum de Thirnebi sine licentia domini dabit domino pro forisfacto quattuor denarios.

(Item, the burgesses may take the necessary wood for their own buildings within the aforesaid bounds without the supervision of my foresters, saving my timber.)

Should any man cut down wood in Thirnebi without the lord's license he shall pay to the lord a forfeit of 4 pence.)

KILKENNY, 1202—10. Liceat eisdem burgensibus extra defensum meum communionem boscorum meorum habere.

(It shall be lawful for the same burgesses to have common in my woods, outside my preserves.)

INISTIOGE (after 1206). Liceat eisdem burgensibus communionem boscorum nostrorum et communem pasturam habere per totum scilicet extra sata et prata et septa.

(It shall be lawful for the same burgesses to have common in our woods, and common pasture throughout the whole of our land, that is, except sown lands meadows and closes.)

KELLS (after 1210). Concessi etiam eisdem burgensibus meis communionem boscorum meorum ad edificia sua facienda et ad focum suum in boscis meis in parte orientali terrae meae de Ewena et in parte boreali ejusdem terrae de Ewena usque ad terram Johannis de Erlega.

(I have granted also to my said burgesses common of my woods for making their buildings and for their firing in my woods in the eastern part of my land of Ewena and in the northern part of the said land of Ewena as far as the land of John of Erlega.)

FRODSHAM, 1209—28. Et quod habeant de foresta mea quod eis opus fuerit ad edificandum per visum forestariorum meorum.

(And that they may have from my forest what they need for building under the supervision of my foresters.)

LEEK, 1209—28. Et in foresta mea de Lach maremia ad edificia sua et boscum ad focum suum per visum forestariorum meorum.

(And in my forest of Leek, timber for their buildings and wood for their hearth under the supervision of my foresters.)

CORBRIDGE (*after* 1212). Quod habeant in bosco suo de Corbrig, tam de viridi quam de mortuo bosco, cum necesse fuerit, ad reparationem domorum suarum, et ramillum ad claustrum et buul' ad domos suas ornandas in Nativitate beati Johannis Baptistae, et hoc totum per visum forestariorum. Et preterea cum visu forestariorum siccum boscum ad comburendum ubicunque inventum fuerit in predicto bosco, et similiter boscum prostratum et eradicatum aliqua tempestate ita quod de cetero fructificare non possit, ita quod dominus inde capiat si voluerit, burgensibus tamen non impeditis per ballivum vel forestarium. Idem, vero, dominus Johannes eisdem burgensibus concessit quod nullus burgensis nec eorum serviens in aliqua subscriptarum viarum pro viridi¹ devadietur, scilicet in via de Daypeth... Slaveleye...Dunstanwod...Ulflawe...Bromley nec in via de Neubigging quae sex viae descendunt in Corbrig. Si vero aliquis alibi infra nemus extra aliquam predictarum viarum cum viridi inveniatur, divadietur veniendi ad curiam ibi standi iudicio. Item, idem concessit eisdem estoveria sua in turbaria et bruera et feugera, ubi solent et debent.

(That they shall have in his wood of Corbridge, both of green and of dead wood, what is necessary for the repair of their houses, and boughs for their hedges, and birch for decorating their houses on Midsummer Day, and all this under the supervision of the foresters; and moreover under the supervision of the foresters, dry wood for burning wherever it is found in the aforesaid wood, and likewise wood blown down and uprooted by a tempest, so that it cannot bear fruit in the future, provided that the lord may take of it, if he pleases, yet the burgesses shall not be hindered by the bailiff or forester. Moreover, the same lord John has granted to the said burgesses that no burgess or any servant of theirs shall be held to bail for damage in any of the underwritten ways, that is to say, in the way of Daypeth, nor in the ways of Slaveley...Dunstanwood...Ulflawe...Bromley, nor in the way of Newbigging, which six ways lead to Corbridge. But if any burgess is found anywhere within the wood off the aforesaid ways, committing damage, he shall give bail for coming to court, and there standing his trial. He also granted them their estovers in turves and briers and fern where they were wont and ought to have them.)²

¹ The vert pleas dealt with all the charges connected with damage to timber or underwood. Cox, *Royal Forests*, 12.

² See also Norham II A 7.

(7) Grant of Pasture

NORHAM (1153—95). Concedo eis pasturam suam et fuale suum sicut melius habuerunt tempore Ranulphi Episcopi; terram etiam de Witerig et de Thrinelawrig eis concedo ad pasturam, salvo eo quod homines monachorum de Schorisworth communem cum eis pasturam in eadem terra habeant sicut unquam melius habuerunt tempore Ranulphi Episcopi. Concedo etiam eis mariscum de Fultrottes juxta burgum de Noram.

(I grant them their pasture and fuel as best they enjoyed them in the time of Bishop Ralph. I grant them also the land of Witerig and Thrinelawrig for pasture, save that the men of the monks of Schorisworth have common pasture with them in that land, as they ever best had it in the time of Bishop Ralph. I grant them also the marsh of Fultrottes near the borough of Norham.)

ALNWICK, 1157—85. Et etiam habere communem pasturam in Haydene et in mora de Haydene.

(And also to have common pasture in Haydene and in the moor of Haydene.)

SWANSEA, 1153—84. (Notum sit me concessisse unicuique burgensi) pascua usque Hackedeweye et usque Lyu et usque ad fossam Sancti David. Et sic quod nullus aesyam inde habeat preter me et prefatos burgenses, et nemora undique circa burgum meum ad pascenda¹ pecora sua quam longius in die ire poterit et eadem nocte ad domos suas remeare, et porcos suos in nemore meo libere et quiete absque consuetudine habeant.

Et ubicunque armigeri mei herbam ad equos meos ceperint, burgenses similiter mei capiant cum illis exceptis pratis meis.

(Be it known that I have granted to each burgess pasture as far as Hackdeweye, and Lyu and St David's ditch, so that no one has any easement there but me and my aforesaid burgesses; and the woods on all sides around my borough for feeding their herds as far as they can go in the day and return to their homes the same night, and they may have their pigs in my wood freely and quietly without any custom.

And wherever my men-at-arms take pasture for my horses, my burgesses likewise shall take with them, except in my meadows.)

WEARMOUTH, 1162—86. Liceat etiam eis communem pasturam habere sicut eis ab initio concessimus et perambulari fecimus.

(It shall be lawful also for them to have common pasture as we granted to them from the beginning, and as we caused the bounds to be perambulated.)

¹ Line 5. MS. pascendo.

GATESHEAD, 1153—95. Concedimus etiam eisdem burgensibus ut habeant communem pasturam et cooportorium ad domos suas et omnes commoditates quas habere poterint de Saltewelmedews sicut solebant.

(We have granted also to the said burgesses that they shall have common pasture and thatch for their houses, and all commodities which they can have from the Saltwell meadows as they were wont.)

TEWKESBURY (1147—83). Et quod burgenses predicti haberent communem pasturam pro animalibus suis in communi pastura predicti burgi secundum burgagia sua quae habent in eodem burgo sicut hactenus consueverunt.

(And that the aforesaid burgesses should have common pasture for their animals in the common pasture of the aforesaid borough according to their burgages which they have in the same borough as they were hitherto wont.)

PRESTON, 1188—99. (Reconstructed.) Preterea concessi eisdem pasturam de foresta quae vocatur Fille Wode.

(Moreover, I have granted them the pasture of the forest which is called Fille Wood.)

PRESTON, 1199. *For eisdem read eis.*

LANCASTER, 1193. Concessi etiam eisdem burgensibus...et...pasturam confirmavi forestae meae eo usque quo animalia sua a villa Lancast' in die possunt pervenire et domi redire.

(I have granted also to the said burgesses and confirmed to them the pasture of my forest as far as their animals can go from the town of Lancaster and return home in the day.)

LANCASTER, 1199.

TRIM, 1194—1241. Et ut habeant pasturam animalibus suis in wareto meo et in moris mortuis.

(And that they may have pasture for their animals in my fallow and in my dead moors.)

LEICESTER, 1191—1204. Sciant presentes et futuri quod ego Robertus Comes de Leycestriae dedi concessi et.....confirmavi liberis Burgensibus villae Leycestriae infra certos limites existentibus, sicut divisae et metae per visum legalium virorum de consilio meo fuerunt assignatae, quandam pasturam quae dicitur Kowheye extra portam de South' cum liberis ingressu et egressu per dominicum meum ad pefatam pasturam pertinentibus, illam scilicet pasturam quae jacet inter pasturam meam quae vocatur Oxheye juxta molendinum Amauri Danet ex una parte et Taskholme ex parte altera, habendam et tenendam pefatam pasturam cum pertinentiis predictis burgensibus

meis et eorum heredibus sive assignatis de me et heredibus meis libere quiete et imperpetuum honorifice faciendo inde mihi et heredibus meis sive successoribus meis pro qualibet vacca agistata vel agistanda sive pro singulis averiis in prefata pastura agistatis vel agistandis, tres denarios per annum.

(Know all men, present and future, that I, Robert Earl of Leicester, have given granted and confirmed to the free burgesses of the town of Leicester dwelling within certain limits, as the bounds and metes were assigned by the view of lawful men of my council, a certain pasture called Cowheye without the south gate, with the free approach and return through my demesne appertaining to the pasture aforesaid, that is to say, that pasture which lies between my pasture called Oxhey adjoining the mill of Amaurus Danet on the one side, and Taskholme on the other side, to have and to hold the aforesaid pasture with its appurtenances, to my aforesaid burgesses and their heirs or assigns of me and my heirs freely quietly and honourably for ever, paying to me and my heirs or my successors for every cow or for every beast agisted or to be agisted on the aforesaid pasture, three pence a year.)

RATHMORE, 1195—1247. Concessi autem eisdem burgensibus communam in mora et montibus meis scilicet (here follow boundaries).

(I have also granted to the same burgesses their common in my moor and mountains.)

WALSALL (after 1198). Concessi etiam dictis burgensibus et heredibus suis communem pasturam per totas terras et boscos meos forinsecos salvo parco meo et aliis meis defensis sine nimia oneracione pasturae et salvo mihi et heredibus meis pannagio tempore pessonis scilicet de porco superannuato unum denarium et de porco minoris aetatis unum obolum Et salvo mihi et heredibus meis quod bene licebit approbare nos de omnibus terris nostris sine impedimento dictorum burgensium et heredum suorum.

(I have also granted to the said burgesses and their heirs common pasture through all my lands and foreign woods, except my park and other preserves, without overcharge of the pasture, saving to me and my heirs pannage at the time of mast, to wit, from a pig of a year old one penny and from a pig of less age, one halfpenny, And saving to me and my heirs that we may approve from all our said lands without hindrance from the said burgesses and their heirs.)

EGREMONT, c. 1202. Item burgenses mei quieti erunt de pannagio suo infra divisas suas de porcis suis, scilicet a Crokerbec usque ad rivulum de Calderton salva meremio¹.

Et sciendum est quod si porci sui exeunt predictas divisas dabunt

¹ Line 3. *For meremio the MS. reads ker meo.*

mihi pannagium scilicet vicesimum porcum, et si forte aliquis burgensium habeat minus viginti porcis, dabit mihi pro unoquoque porco denarium.

Et si porci sui venient sine licentia mea in forestam meam Innerdale dabunt eschapium.

Et sciendum est quod pro hoc servitio (i.e. arando) habebunt communem pasturam de Crokerbec usque ad predictum rivulum de Caldertun quando predicta pastura vacua sit a blado et feno domini.

Item sciendum est quod si forte animalia burgensium transeant ultra rivulum de Caldertun, dabunt mihi in aestate pro decem animalibus unum denarium, et in hieme pro viginti animalibus unum denarium et pro quinquies viginti ovibus unum denarium.

(Item, my burgesses shall be quit of their pannage within their bounds for their pigs, that is to say, from Crokerbec to the rivulet of Calderton, saving my timber. And be it known, that if their pigs cross the aforesaid bounds, they shall pay me pannage, that is to say, the twentieth pig, and if by chance any of the burgesses has less than twenty pigs, he shall pay me a penny for each pig. And if their pigs go without my license into my forest of Innerdale, they shall give eschapium (i.e. the fine for escape).

And be it known that for this service (i.e. ploughing¹), they shall have common pasture from Crokerbec to the aforesaid rivulet of Calderton, when the aforesaid pasture is cleared of the corn and hay of the lord. And be it known that if by chance the animals of the burgesses cross the rivulet of Calderton, they shall pay me in summer a penny for ten beasts, and in winter a penny for twenty beasts, and a penny for five score sheep.)

GOWRAN, 1203—6. Sciant presentes et futuri quod ego Theobaldus Walter Pincerna Hiberniae dedi concessi et hac presenti carta mea confirmavi liberis burgensibus meis de Baligaueran in liberam communiam totam ruffam moram meam, quam habui in orientali parte de Baligaueran, sicut divisae et metae existere debent, inter terram de Baligaueran et terram domini episcopi Lechliniensis, et totum meum Corrach Ockyrdonan, et totam terram meam quam habui jacentem inter burgagia de Baligaueran et terram quondam Ricardi Pincernae ex mea parte, et inter predicta burgagia et terram domini episcopi Ossoriensis de Taschochyn, et inter predicta burgagia et terram de Kilpobell, sicut divisae et metae existere debent, cum pertinentiis suis Habend' et tenend' de me et heredibus meis sibi et heredibus suis vel suis assignatis in perpetuum cum omnibus libertatibus et liberis consuetudinibus ad dictam terram et moram et Corrach ratione liberae communiae spectantibus Reddendo inde annuatim mihi et heredibus meis ipsi burgenses et heredes sui vel sui

¹ See Egremont, II B 15, *post*, p. 95.

assignati decem marcas argenti videlicet unam medietatem ad festum sancti Michaelis et aliam medietatem ad Pascham pro omni servitio exactione et demanda seculari.

(Know all men present and to come that I Theobald Walter Butler of Ireland have given granted and...confirmed to my free burgesses of Baligaueran in free commonage all my red moor which I had in the eastern part of Baligaueran as the bounds ought to stand, between the land of Baligaueran and the land of the lord bishop of Leighlin, and all my curragh (known as) Ockyrdonan¹, and all my land which I had lying between the burgages of Baligaueran and the land formerly of Richard Butler on my side, and between the aforesaid burgages and the land of the lord bishop of Ossory of Tiscoffin, and between the aforesaid burgages and the land of Kilpobell as the boundaries ought to stand, with their appurtenances, To have and to hold of me and my heirs to them and their heirs or assigns for ever with all the liberties and free customs to the said land and moor and curragh pertaining by virtue of free commonage, Yielding therefor yearly to me and my heirs, they and their heirs or assigns ten marks of silver, to wit one moiety at Michaelmas and the other moiety at Easter for all service exaction and secular demand.)

BIDEFORD, 1204—17. And I have also granted to the said burgesses common of pasture with their beasts throughout on the West side of the river Torridge, where in the time of Richard my father, they were wont to common.

KELLS (after 1210). Preterea concessi eisdem burgensibus meis de Kenel' communionem pasturae de illa parva insula quae est circa castellum meum de Kenel' usque ad fossatum gardini mei et castelli mei.

(Moreover, I have granted to my said burgesses of Kells common of pasture in that little island which is around my castle of Kells as far as the ditch of my garden and castle.)²

FRODSHAM, 1209—28. Concessi etiam memoratis burgensibus pasturam pecoribus suis in foresta mea et in marisco meo et in omnibus locis in quibus homines liberi mei pasturam habent, ...salvis mihi et heredibus pannagio meo.

(I have granted also to the said burgesses pasture for their herds in my forest and in my marsh and in all places in which my freemen have pasture..... saving to me and my heirs my pannage.)³

LEEK, 1209—28. Et pasturam communem ad omne genus pecudum in pastura ad manerium meum de Lach pertinente.

(And common pasture for every kind of cattle in the pasture pertaining to my manor of Leek.)

¹ Possibly, Kildonan.

² See also Inistioge II A 6.

³ See also Whitby II A 1.

CORBRIDGE (after 1212). Item idem concessit eisdem communam pasturam in predicto bosco, et in (other places there named) sicut solent et debent. Ita tamen quod eundo et redeundo nullum damnum alicui inferant, si forte fecerint, damnum emendabunt. Omnes vero porci nutriti et demorantes continue infra burgagia quieti sint de pannagio; omnes vero alii porci in campo vel in bosco nutriti dent pannagium, sicut solent.

(Item, he also granted them common of pasture in the aforesaid wood and other places as they were wont and ought to have it. Provided that they do no damage to any in going or returning, and if perchance they do damage, they shall make amends. And all swine, fed and living continually within the burgages, shall be quit of pannage: but all other swine fed in the field or the wood shall pay pannage as they were wont.)

BARNARD CASTLE, 1215—27. Concessi autem eis totam communem pasturam et omnia communia in orientali et boreali parte, a quodam rivulo qui venit de Waterscale et descendit in Beckdam, et a via quae venit a Castro Bernardi et vadit versus Stanhope illis et heredibus suis habendum et tenendum de me et heredibus meis libere.....sine aliquo retinemento excepto quod ipsi burgenses et heredes eorum non capient de bosco de Wythners nec de Hansclave nec de Birlanker.....nisi per voluntatem meam vel heredum meorum.

(I have moreover granted to them the whole of the common pasture and all commons in the east and north parts from a certain brook which comes from Waterscale and descends to Beckdam, and from the road which comes from Castle Barnard and goes towards Stanhope to have and to hold to them and their heirs of me and my heirs freely.....without any reservation except that the same burgesses and their heirs shall take nothing from the wood of Wythners nor from Hansclave nor from Birlanker.....except by my permission or that of my heirs.)

(8) Grant of Fishery

SWANSEA, 1153—84. Et insuper infra Pulkanan et Blakepulle omnem arenam ad piscarias suas faciendas illis concessi. Et si forte porpeys aut storgoun in aliqua piscaria captum sit, meum est et ego dabo illi cujus piscaria est xii denarios vel unam summam frumenti. Et si burgenses extra polam piscem aliquo modo capere poterint, illorum sit.

(And moreover, I have granted them all the sand between Pulkanan and Blackpool for making their fish-traps. And if by chance any porpoise or sturgeon shall be caught in any fish-trap¹ it is mine, and I will pay the owner of the fish-trap twelve pence or a quarter of wheat. And if the burgesses catch a fish below high water mark in any manner, it is theirs.)

¹ Or Stake net (see Victoria County History, *Essex*, I, 424).

COLCHESTER, 1189. Et pescagium suum habeant a Northponte usque ad Westnnesse quisquis terras adjacentes possideat.

(And they shall have their fishing from North-bridge to Westness, whoever may own the adjoining lands.)

DUBLIN, 1200. Preterea dedimus.....eisdem civibus Dublin' et heredibus eorum medietatem aquae de Avenelith ad piscandum cum omnibus ad eam pertinentibus habendam et tenendam de nobis et heredibus nostris in perpetuum libere et quiete et integre.

(Moreover, we have granted to the said citizens of Dublin and their heirs the moiety of the water of Liffey for fishing, with all its appurtenances, to be had and holden of us and our heirs for ever, freely quietly and wholly.)

(9) Liberty of Sale

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Burgensis potest dare terram suam et vendere et ire quo voluerit libere et quiete nisi sit in calumnia.

(A burgess can give and sell his land and go where he will, freely and quietly, unless it be in challenge; i.e. unless his claim to the land is challenged.)

LEGES QUATTUOR BURGorum.

Line 1. *Before* burgensis *insert* quilibet.

2. *After* suam *insert* de conquestu.
For quo read quocunque.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Quilibet burgensis potest terram suam vendere et ire quo voluerit nisi terra illa fuerit in calumnia.

(Any burgess may sell his land and go where he will, unless that land be in challenge.)

WEARMOUTH, 1162—86. Cuilibet burgensi liceat vendere terram suam et ire quo voluerit nisi terra sua in calumpnia fuerit.

(It shall be lawful for any burgess to sell his land and go where he will, unless his land be in challenge.)¹

BURFORD, 1087—1107. Ut unusquisque domum suam et terram (the rest is illegible).

BURFORD, 1147—1173. Ut unusquisque domum et terram et omnem pecuniam suam possit vendere et in vadimonio ponere.

(That every one can sell his house and land and all his substance and place it in mortgage.)

¹ Quoted Borough Customs II 91.

SWANSEA, 1153—84. Si burgensis vult discedere et vendit burgagium suum et domum suam det iiii denarios thelonario et quietus sit: et si voluerit perhendinet per unum mensem per illud theloneum: et si domum suam vendere non poterit faciat de hoc quod est super terram velle suum: et si burgensis vadit in negotium suum tribuat alicui domum suam qui reddit jura sua et eat et redeat quando voluerit ut ad propria sua.

(If a burgess wishes to depart and sells his burgage and house, he shall give four pence to the toll collector, and shall be quit: and if he wishes he may sojourn in the town for a month for that toll: if he cannot sell his house he may do his will with that which is on the ground; and if a burgess goes away on his own business, he shall give his house to any man who will pay its dues, and he shall go and return when he will as to his own.)

WELLS, 1174—80. Volumus etiam et concedimus ut quilibet intra easdem metas messagium aliquid in presentiam possidens vel in posterum possessurus nomine burgagii liberam habeat commorandi recedendi et revertendi simulque domos suas impignerandi vendendi necnon et donandi nisi domibus religiosis licentiam secundum propriam suae dispositionis voluntatem reddituum nostrorum integro jure retento id est de singulis messagiis duodecim denariis annuis.

(We will also and grant that whoever within the same boundaries possesses a messuage at the present time, or who shall possess one in the future, in the name of a burgage, shall have free liberty of residing withdrawing and returning and at the same time of mortgaging selling and also of giving his houses according to the will of his own disposition, except to religious houses, saving the whole right of our rents, that is from every messuage, twelve pence yearly.)

WELLS, 1201.

Line 1. *For* concedimus *read* presenti decreto sancimus.

4. *Before* recedendi *read* cum catallis.

After recedendi *insert* necnon.

After revertendi *insert* . and *omit* to end.

7. *Add* Liceat quoque cuilibet burgensium domos suas impignorare vendere sive etiam donare secundum perpetuam dispositionis suae voluntatem plenamque habeant facultatem eas in quemcunque eis placuit transferendi preterquam domibus religiosis quod facere non poterunt sine licentia nostra vel successorum nostrorum.

(It shall be lawful for every burgess to mortgage his houses and to sell or give them according to the will of his disposition, and they shall have full power of transferring them to whomsoever they please, except to religious houses, which they cannot do without our license or that of our successors.)

CARDIFF, 1147—83. Et quilibet burgensis potest pro voluntate sua burgagium suum quod est de purchasio suo cuicunque voluerit dare invadiare vendere vel quocunque alio modo alienare salvo tamen servitio domini comitis¹.

(And every burgess can at his will give his burgage of his own purchase to whomever he will, or mortgage sell or in any other way alienate it, saving however the service of our lord the Earl.)

TEWKESBURY, 1147—83. Et quod ipsi burgagium vel burgagia sua predicta quae de adquisito in eodem burgo habuerat vel habuerant vendere invadiare mutuare cum aliis burgensibus posset vel possent pro voluntate sua sine redemptione aliqua facienda¹.

(And that they might sell mortgage or exchange according to their will the aforesaid burgage or burgages which they had in the same town of their own acquisition, with other burgesses, without making any redemption thereof.)

Ita quod burgenses illi quibus vendita invadiata mutuata fuerint hujusmodi burgagia, cartas sive scriptas quae inde habuerant coram seneschallo predictorum comitum in curia burgi demonstrarent².

(Provided that those burgesses to whom burgages of this kind are sold mortgaged or exchanged, shall produce their charters or writings to the steward of the aforesaid Earls in the court of the borough.)

LOSTWITHIEL, 1190—1200. Et si quis burgensium burgagium suum vendere voluerit, illud sine causa vendat, salvo jure meo scilicet xii denarios de emptore in misericordia mea vel ballivorum meorum.

(And if any of the burgesses wishes to sell his land, he may sell it without suit, saving my right, that is twelve pence from the purchaser as a fine to myself or my bailiffs.)

*PONTEFRAC*T, 1194. Quilibet burgensis poterit terram suam dare vel vendere cui voluerit nisi religioni salva firma domini; et intrabit placitum et reddet terram in manu pretoris ad opus domini³. Et dabit unum denarium de theloneo et pretor dabit terram emptori de dono domini quietam ab omnibus et emptor dabit similiter unum denarium.

(Any burgess may give or sell his land to whom he will except to religion, saving the farm of the lord, and shall enter a plea, and surrender his land into the hand of the reeve to the use of his lord. And he shall pay a penny for toll, and the reeve shall give the land to the purchaser as the gift of the lord, quit of all dues, and the purchaser shall likewise pay a penny.)

LEEDS, 1208 (text corrupt).

¹ Qu. Borough Customs II 91.

² Qu. B. C. I 271.

³ Qu. B. C. II 82

OKEHAMPTON, 1194—1242. Si burgensis velit recedere, vendat burgagium si vult cuicunque voluerit exceptis domibus religiosis et ad quiet' debit¹ dando domino duodecim denarios et preposito quattuor et burgo quattuor quietus recedat.

(If a burgess wishes to depart he shall sell his house if he will to whomever he will, except to houses of religion, and.....by giving to the Lord twelve pence, and to reeve four pence and to the borough four pence, he shall depart without challenge.)

LEICESTER, 1199. Quod omnes emptiones et venditiones terrarum villae Leircestr' quae factae sunt et quae fient rationabiliter in portmanmot ejusdem villae stabiles et firmae permaneant.

(That all purchases and sales of land in the town of Leicester which have been made and shall reasonably be made in the Portmanmot of the said town, shall remain stedfast and firm.)

DUNWICH, 1200. Et perquisitiones suas de terris et edificiis in villa sua possint dare aut vendere aut facere inde quod voluerint et quando voluerint.

(And their purchases of lands and buildings in the town, they may give or sell or do with them what they will and when they will.)

HAVERFORDWEST, 1189—1219. Item licet burgensibus illis dare vendere invadiare terras domos et burgagia sua salvo jure domini nisi in religionem.

(Item, it shall be lawful for the burgesses to give sell or mortgage their lands houses and burgages, saving the right of the lord, except into religion.)

EGREMONT, c. 1202. Item, si aliquis burgensis voluerit vendere terram suam scilicet burgagium suum, licet ei vendere, et ire ubi voluerit.

(And if any burgess wishes to sell his land, that is, his burgage, it shall be lawful for him to sell it, and go where he will.)

KILKENNY (1202—10). Item liceat burgensibus de tenementis suis quae tenent in burgagio sine injusto vicinorum suorum gravamine disponere² sicut sibi melius viderent sive edificia sive ortos sive virgulta sive alia.

(It shall be lawful for the burgesses to dispose of their tenements which they hold in burgage without any unjust annoyance to their neighbours, as may seem most expedient to them, whether these tenements be buildings or gardens or orchards or other.)

INISTIOGE (after 1206).

KELLS (after 1210). Line 3. *Omit* edificia sive.

¹ Text evidently corrupt.

² The printed copy reads *deponere*; but all the derivative charters read *disponere*, which is therefore considered to be the correct reading.

KILKENNY (1202—10). Concessi etiam eis omnes conquestus suos donare vendere vel invadiare salvis servitiis quae inde debentur preterquam viris religiosis absque assensu meo.

(I have also granted them that they may give sell or mortgage the lands which they have acquired, saving the services thence due, except to men of religion, without my assent.)

INISTIOGE (after 1206).

Line 2. *After servitiis add et consuetudinibus.*

For inde read mihi.

3. *Omit the whole line.*

KELLS (after 1210).

Line 1. *For eis read eisdem burgensibus meis.*

For omnes conquestus suos read burgagia sua.

2. *For invadiare read impignorare.*

For inde read mihi et heredibus.

3. *For absque read cuicumque voluerint sine.*

BIDEFORD, 1204—17. And that everyone may give or sell his burgage or otherwise alienate, saving to me and my heirs the rent of assize of every such burgage.

LEEK, 1209—28. Et liceat cuilibet burgensi burgagium suum dare aut vendere cuicumque voluerit nisi religioni, salvo tolneio scilicet quattuor denarios, et salvo redditu meo.

(And every burgess may give or sell his burgage to whomsoever he will, except to religion, saving the toll, to wit, four pence, and saving my rent.)

BRADNINCH, 1215—20. Item dedi et concessi eis dare et vendere et invadiare burgagia sua et placeas suas si voluerint sine remocione domorum cuicumque voluerunt salvo jure meo.

(Item, I have given and granted them that they may give and sell and mortgage their burgages and places if they wish, without removal of their houses, to whomsoever they wish, saving my rights.)¹

DUNWICH, 1215. Quod libere possint dare vel vendere purchatia et achata sua cui voluerint.

(That they may freely give or sell their purchases and wares to whom they will.)²

EYNESHAM, 1215. Et si tenentes tenementum suum cuilibet seculari personae dare vel vendere voluerint, libere hoc faciant.

(And if the tenants wish to give or sell their tenement to any lay person, they may do so freely.)³

¹ Qu. B. C. II 92.

² Qu. B. C. II 93.

³ For c. 9 and 12 of the Northampton Custumal see B. C. II 92.

(10) Restraints on Sales¹

SHREWSBURY, 1205. Et quod nullus burgensis aliquod tenementum det domui religiosae ad detrimentum servitii nostri.

(That no burgess shall give any tenement to a house of religion to the detriment of our service.)

(11) Pre-emption by Lord

WHITBY, 1175—85. Si quis autem terram suam vendere voluerit, primitus hoc Abbati ostendere debet, et ei terram, si eam emere voluerit, vendendam offerre, pro tali rationabili pretio quale alius et pro eadem terra dare voluerit.

Si vero eam emere noluerit, consilio et consensu ejus eandem vendat.

(If any one wishes to sell his land, he must first of all inform the Abbot, and offer to sell the land to him, if he will buy it, at such a reasonable price, as any other is willing to give him for the same land. But if he refuses to buy it, by the abbot's advice and consent, he may sell it.)²

WHITBY, 1199. Line 1. *After quis insert eorum.*

WALSALL (after 1198). Et salvo mihi et heredibus meis quod si quis dictorum burgensium burgagia sua vendere voluerit monstrabit nobis vel ballivo nostro, Et si sit ad opus nostrum habebimus dicta burgagia de duodecim denariis minus quam aliquis alius.

(And saving to me and my heirs, that if any of the said burgesses wishes to sell his burgages, he shall show it to us or our bailiff, and if it be to our advantage, we shall have the said burgages for twelve pence less than any other.)

(12) Pre-emption by Kin

BURY ST EDMUNDS, 1121—38. Hanc (terram de patrimonio suo vel si eam emit) autem necessitate cogente si non habet filium vel proximum parentem qui voluerit et potuerit ei dare tantum pro ea quantum aliquis alius, vendet cui voluerit, infra feudum S. Edmundi, sine omni licentia prepositi, uxoris, filiorum et omnium parentum.

(This land (of his own inheritance or purchase), if necessity compels, and if he has no son or near relative who is willing and able to give him as much for it as any other, he may sell to whom he will within the fee of St Edmund, without any license from the reeve, his wife or sons or any of his relatives.)³

BURY ST EDMUNDS, 1182—1212. Line 5. *Omit omnium.*

¹ See also Okehampton, Wells, Pontefract, Kilkenny, Kells, Haverfordwest, Leek, Eynsham, II A 6.

² Qu. B. C. II 60.

³ Qu. B. C. II 61.

WEARMOUTH, 1162—86. Burgensi licet dare vel vendere cui voluerit terram suam sine licentia et sine concessu heredis quam ipse de proprio catallo suo emerit.

(It shall be lawful for a burgess to give or sell his land which he bought with his own money, to whom he will, without license and without the consent of his heir.)¹

CARDIFF (1147—83). Item burgensis paupertate compulsus burgagium suum vendere vel invadiare, primo debet convenire heredem suum, secundo et tertio, et dicere ei quod inveniat sibi necessaria. Si autem noluerit, de burgagio suo voluntatem faciat.

(Item, the burgess who is compelled by poverty to sell or mortgage his burgage, ought to summon his heir once, twice and thrice, and tell him to find him the necessaries of life. And if the heir is unwilling, he may do his will with his burgage.)²

TEWKESBURY (1147—83). Et si contingeret quod siquis eorum depauperetur per quod oporteret ipsum burgagium suum vendere, primo peteret a proximo sibi hereditario successive coram vicinis suis per tres vices necessaria sua in victu et vestitu pro statu suo exigentia; quod si sibi facere noluerit liceret ei burgagium suum pro voluntate sua vendere in perpetuum sine calumpnia.

(And if it should happen that any of them was so impoverished as that he must sell his burgage, he should seek three times from his nearest kinsman in succession in the presence of his neighbours what was necessary in food and clothes according to his condition of life; and if he be unwilling to furnish these to him, it should be lawful for him to sell his burgage for ever as he liked, without challenge.)³

(13) Dues on Sales⁴

WHITBY, 1175—85. Emptor vero terrae consuetudinem ad saisinam iiii denarios dabit et i denarium burgensibus ad beverage.

(The purchaser of the land shall pay four pence as a due for seisin, and one penny to the burgesses for a drinking.)⁴

WHITBY, 1199.

EGREMONT, c. 1202. Item si quis emerit burgagium dabit mihi iv denarios de saisina sua.

(Item, if any person buy a burgage, he shall pay four pence for his seisin.)⁵

¹ Qu. B. C. II 91.

² Qu. B. C. II 62. For c. 10, 2, 3, 8 of the Northampton Custumal see B. C. II 62.

³ See also Okehampton, Swansea, Wells, Lostwithiel, Leek, Pontefract, in II A 9. For c. 14, 15 of the Northampton Custumal see B. C. II 81.

⁴ Qu. B. C. II 81.

⁵ Qu. B. C. II 82.

EYNSHAM, 1215. Ita tamen quod venditor dabit nobis ii denarios, et emptor iiii in recognitionem feudi nostri.

(Provided that the vendor pay us 2*d.* and the purchaser 4*d.* in recognition of our fee.)

(14) Limitation of Claims to Property

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si quis terram in burgagio uno anno et una die juste et sine calumpnia tenuerit, non respondeat calumnianti, nisi calumnians extra regnum Angliae fuerit, vel ubi sit puer non habens potestatem loquendi¹.

(If anyone has held land in burgage for a year and a day justly and without challenge, he shall not answer any claimant unless the claimant is without the realm of England, or unless he is a boy not having power of pleading.)

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Quicumque in burgo terram tenuerit uno anno et una die juste et sine calumpnia, et calumniator infra regnum fuerit, non debet calumnianti respondere. Si vero calumniator puer sit non habens aetatem placitandi ei respondeat.

(Whoever has held land in the borough for a year and a day justly and without adverse claim, and the claimant is within the kingdom, need not answer the claimant. But if the claimant be a boy, not being of age to plead, he shall answer him.)

WEARMOUTH, 1162—86.

- Line 3. *Read* regionem *for* regnum.
Read calumniatus *for* calumnianti.
4. *Read* sed si *for* si vero.
Read fuerit qui *for* sit non habens.
Read non habuerit tunc *after* placitandi.
5. *Read* respondebit *for* respondeat.

BURY ST EDMUNDS, 1121—38. Si quis burgensium habet terram in villa S. Edmundi de patrimonio suo vel si eam emit vel acquirit legaliter in villa vel in foro et illam tenuerit uno anno et uno die sine calumpnia, et hoc possit dirationare per testimonium burgensium, post non respondebit alicui calumpniatori ex adverso venienti.

¹ The parallel clause in the *Leges Quattuor Burgorum* is much longer and cannot be affiliated to the Newcastle laws.

(If any burgess has land in the town of St Edmund of his own inheritance or if he has bought it or acquired it legally in the town or in the market-place, and has held it a year and a day without claim, and can prove this by the testimony of the burgesses, afterwards he shall not answer any adverse claimant.)¹

BURY ST EDMUNDS, 1182—1212.

Line 2. *Omit de patrimonio suo.*

For emit read emerit.

3. *For adquisit read alio modo adquisierit.*

5. *For adverso read diverso.*

LINCOLN, 1157. Concedo etiam eis quod si aliquis emerit aliquam terram infra civitatem de burgagio Lincolniae, et eam tenuerit per annum et unum diem sine calumnia, et ille qui eam emerit possit monstrare quod calumniator exstiterit in regione Angliae infra annum et non calumniatus est eam, extunc ut in antea bene et in pace teneat eam et sine placito.

(I grant also to them that if anyone buy any land of the burgage of Lincoln within the city, and hold it for a year and a day without challenge, and the purchaser can show that the claimant was in the realm of England within the year and did not claim it, from henceforth as in the past, he shall hold it well and in peace and without plea.)

Line 5. *Ut* supplied from copy in *Foedera* I 40.

NOTTINGHAM, 1157. Et quicunque burgensium terram vicini sui emerit et possiderit per annum integrum et diem unum absque calumnia parentum vendentis, si in Anglia fuerunt, postea eam quiete possidebit.

(And if any of the burgesses shall buy the land of his neighbour and shall possess it for a whole year and a day without any claim from the kinsmen of the vendor, if they were in England, he shall afterwards possess it quietly.)²

NOTTINGHAM, 1189.

NOTTINGHAM, 1200. Line 3. *For quiete read quietam.*

DERBY, 1204.

PEMBROKE, 1154—89. Precipio etiam quod si quis burgensium meorum predictae villae anno uno et die domum vel terram sine calumpnia tenuerit quae eidem villae appendat et aliquis postea clamet, rectum non habeat si ipse interim in regno meo exteterit.

(I direct also that if any of my burgesses of the aforesaid town has held without adverse claim for a year and a day a house or land belonging to the same town, and anyone afterwards claim it, the claimant shall not succeed if he was within my realm in the meantime.)

¹ Qu. B. C. I 271.

² Qu. B. C. II 62.

*PONTEFRAC*T, 1194. Non tenemur respondere cuicumque de aliquo tenemento nostro in quo saisiti fuimus per manum pretoris et tenuimus per unum annum integrum et unum diem sine calumnia¹.

(We are not bound to answer anyone with respect to any tenement of ours of which we were put in seisin by the hand of the reeve, and have held for a whole year and a day without challenge.)

- LEEDS*, 1208. Line 1. *For tenemur read tenentur.*
 2. *For fuimus read fuerimus.*
 3. *For tenuimus read tenuerimus.*
After diem read integrum.

HAVERFORDWEST, 1189—1219. Item homo habens ibi domum vel terram et eam per annum et diem pacifice possidens non respondeat de ea absque brevi domini Comitis.

(Item, that a man having there a house or land and possessing it peaceably for a year and a day, shall not answer (i.e. be sued) for it without the writ of our lord the Earl.)

EGREMONT, c. 1202. Item si burgensis emerit burgagium infra villam et ille tenuerit per annum et diem absque calumnia alicujus, terra illa ei remanebit quieta, nisi aliquis possit monstrare jus suum et extra regnum fuerit in negotiatione vel peregrinatione.

(Item, if a burgess buy a burgage within the town and hold it for a year and a day without challenge from anyone, that land shall remain to him quietly, unless anyone can show his right, and was out of the realm on business, or on a journey.)

(15) Liberty of making Will

BURFORD, 1147—73. Ut unusquisque.....de filio vel filia vel uxore vel de quolibet alio absque ipsius domini requisitione heredem facere.

(That each one may choose as his heir, his son or daughter or wife or any one else without license of his lord.)

BURFORD (1087—1107). Parchment is defective, but from *uxore* to the end is legible.

CHESTER, 1190—1212. Et quod si civis aliquis de predicta civitate mea moriatur ejus testamentum rationabiliter ratum et firmum habeatur ubicunque ipse moriatur².

¹ Qu. B. C. I 272. For c. 1 of the Northampton Custumal see B. C. I 272.

The use of the first person plural in this clause shows that the clause has been repeated verbatim from the Grimsby Custumal from which this Charter professes to be taken; in the confirmation of 1278, *for* Non tenemur *read* prefati burgenses non tenentur.

² Qu. B. C. II 78.

Et si aliquis civis de predicta civitate in servitio meo occisus fuerit, de catallis suis fiat ac si ipse rationabile testamentum fecisset.

(And that if any citizen of my aforesaid city die, his will shall reasonably be held to be valid and firm wherever he may die.)

And if any citizen of the aforesaid city be slain in my service, his chattels shall be dealt with as if he had made a reasonable will.)

TEWKESBURY (1147—83). Et...quod ipsi testamenta sua facere catallaque eorum et burgagia quae de adquisito haberent licite in testamentis suis legare pro voluntate sua possent.

(And that they could make wills for themselves and could lawfully bequeath their chattels and burgages of their own acquisition in their wills according to their wish.)¹

LOSTWITHIEL, 1190—1200. Et ad ejus obitum testamentum suum stabile remaneat.

(And at his death, his will shall remain valid.)

DUNWICH, 1215. Et inde (i.e. purchatia et achata sua) heredem constituere quemcunque et quandocunque voluerint.

(And thereof (i.e. of his purchased lands) he may constitute an heir, whomever and whenever he will.)²

EYNSHAM, 1215. Et si forte contigerit quod aliquis istorum burgensium moriatur et divisam suam fecerit de rebus suis in hoc feodo contentis, stabile erit.

(And if by chance it should happen that any of these burgesses die, and has made his devise of his property contained in this fee, it shall be valid.)

(16) Intestate succession

LONDON, 1066—75. 7 ic pylle þæt ælc cyld beo his fæder yrfnume æfter his fæder dæge.

(And I will that each child be his father's heir after his father's day.)

CARDIFF, 1147—83. (1)³ Et si illud burgagium fuerit de hereditate heres ipsius sive heredes ipsum habebunt. Et proximus heres mortuo predecessore a quo hereditas ei descendere debeat statim sine ostensione ballivo vel preposito facienda hereditatem suam ingreditur.

(2)⁴ Item quacunque morte burgensis preoccupatus fuerit nisi fuerit per nequitiam dampnatus, uxor ejus et liberi sui habebunt catalla

¹ Qu. B. C. II 91.

³ Qu. B. C. II 80.

² Qu. B. C. II 93.

⁴ Qu. B. C. II 76.

mortui vel proximi parentes tanquam heredes si non habuerit uxorem vel liberos.

(And if that burgage was of his inheritance, his heir or heirs shall have it. And the nearest heir, on the death of his predecessor from whom the inheritance ought to descend to him, shall immediately enter on his inheritance, without making it known to the bailiff or reeve.)

Item, by whatever death a burgess may be cut off, unless condemned for wickedness, his wife and children shall have the chattels of the deceased man, or his nearest relatives, as heirs, if he have no wife or children.)

TEWKESBURY (1147—83). Ita quod post decessum cujuscunque Burgensium predictorum heres vel heredes sui intraret vel intrarent burgagium vel burgagia predicta, cujuscunque fuerit vel fuerint aetatis, illud vel illa tenenda quietum de relevio vel herieto¹.

(So that after the decease of any of the aforesaid burgesses, his heir or heirs should enter on the aforesaid burgage or burgages, of whatever age he or they may be, to hold the same without giving any relief or heriot.)

OKEHAMPTON, 1194—1242. Si vero aliquem burgensem contingit fati implere munus, uxor ejus et heredes tenementa sua quiete recipiant¹.

(But if it should happen that any burgess should die, his wife and heirs shall receive his tenements quietly.)

HAVERFORDWEST, 1189—1219. Item, heres burgensis quacunque morte preoccupati habeat hereditatem et catallum patris sui cujuscunque sit aetatis dando pretori duodecim denarios pro relevio suo de burgagio scilicet, nec sit nisi in custodia parentum et amicorum suorum salvo sibi catallo suo, nisi pater ejus fuerit usuarius².

(Item the heir of a burgess, (it matters not) by whatever death he has died, shall have the inheritance and chattels of his father, whatever may be his age, by giving twelve pence to the reeve as the relief of his burgage, and further he shall be only in the wardship of his kinsmen and next friends, saving to him his chattels, unless his father was a tenant.)

KELLS (after 1210). Quicunque predictorum burgensium de Kenel sive in terra sive in mari testatus vel intestatus obierit, heres ipsius duodecim denarios in relevium pacabit, et hereditatem suam quiete possidebit sicut predecessor ejus possidebat.

(Whoever of the aforesaid burgesses of Kells shall die whether on land or sea, whether testate or intestate, his heir shall pay twelve pence as a relief, and shall possess his inheritance quietly as his predecessor possessed it.)

¹ Quoted B. C. II 81.

² Ducange gives usuarius = qui alicujus rei usum habeat.

EYNSHAM, 1215. Si vero moriatur et divisam non fecerit, catalla sua in tres partes dividantur, una pars pueris, et alia mulieri, tertia per propinquiores parentes suos pro anima dividatur.

(But if he die, and has not made a devise, his chattels shall be divided into three parts, and one part shall be given to his children, another to his wife, and the third shall be divided for the good of his soul by his nearest kinsmen.)

(17) Reliefs and Heriots¹

PEMBROKE, 1154—89. Et burgenses ejusdem villae quacunq[ue] morte et quocunq[ue] loco sive in terra sive in mari sive cum testamento sive sine testamento moriatur, heres suus omnes res habeat per donandum xii denarios de relevio.

(And the burgesses of the said town, by whatever death and in whatever place they may die, whether on land or by sea, whether testate or intestate, the heir shall have all things on paying twelve pence as a relief.)

CARDIFF, 1147—83. Item nullus burgensis dabit pro burgagio suo herietum vel relevium.

(Item, no burgess shall pay heriot or relief for his burgage.)

LOSTWITHIEL, 1190—1200. Ejus vero heres per xii denarios de relevio hereditatem suam libere et hereditarie teneat et in pace possideat.

(And his heir by a relief of twelve pence, shall hold his inheritance freely and in inheritance, and shall possess it in peace.)

BIDEFORD, 1204—17. And that every one for his or their burgage against me and my heirs shall pay for a release twelve pence and no more.

BRADNINCH, 1215—20. Et de relevio suo sit quietus per duodecim denarios.

(And for his relief he shall be quit for twelve pence.)

(18) Liberty of Marriage

TEWKESBURY (1147—83). Sed quilibet potest pro voluntate sua filium vel filiam maritare sine licentia ab aliquo petenda.

(But every one may according to his will marry his son or his daughter, without seeking license from any.)

¹ For heriot at Leicester see IV A 3 and at Durham V A 8. For reliefs at Tewkesbury, Haverfordwest and Kells see II A 16.

BRISTOL, 1188. Et quod possint maritare se et filios et filias et viduas sine licentia dominorum suorum.

(And that they may marry themselves and their sons and their daughters and widows without the license of their lords.)

DUBLIN, 1192—1200.

DUBLIN, 1200.

LOSTWITHIEL, 1190—1200. Preterea notandum est quod supradicti burgenses possunt filios filiasque suas neptes consanguineas maritare sine licentia et sine causa quandocunque et quibuscunque voluerint.

(Moreover, it is to be noted that the aforesaid burgesses may marry their sons and their daughters and their nieces and relatives without license and without suit whenever and to whomsoever they will.)

OKEHAMPTON, 1194—1242. Si burgenses vel eorum pueri velint nubere vel maritare, quiete faciant ubicunque voluerint.

(If the burgesses or their children wish to marry or be given in marriage, they may quietly do so, wherever they will.)

DUNWICH, 1200. Quod filios et filias suas possint libere ubi voluerint in terra nostra maritare et viduas similiter per consilium amicorum suorum.

(That they may freely marry their sons and daughters where they will in our land, and their widows likewise by the advice of their friends.)

DUNWICH, 1215. Quod libere possint filias suas maritare ubicunque possint et voluerint sine alicujus licentia : et quod nullus potestatem aliquam habeat illas maritandi nisi per voluntatem suam neque in vita patrum suorum neque post decessum eorum ;.....et quod nullus filiorum vel heredum suorum cogatur uxorem ducere nisi in propria voluntate sua ; et quod viduae eorum in propria donatione sint et ad propriam voluntatem suam.

(That they may freely marry their daughters wherever they can and will without the license of any : and that no one shall have any power of marrying them except by their own will, neither in the lifetime of their fathers nor after their decease : and that none of their sons or heirs shall be forced to marry a wife except by their own will, and that their widows shall be in their own gift and at their own will.)¹

KILKENNY, 1202—10. Concessi etiam eisdem burgensibus meis matrimonium contrahere sibi et filiis suis et filiabus suis et viduis suis sine licentia dominorum suorum nisi forte forinseca tenementa tenuerint de me in capite extra burgum.

¹ Qu. B. C. II 145.

(I have granted also to my said burgesses that they may contract matrimony for themselves their sons their daughters and their widows without the license of their lords, unless by chance they hold foreign tenements of me in chief without the borough.)

KELLS (after 1210).

MARLBOROUGH, 1204. Quod quieti sint.....de emptione viduarum.

(That they shall be quit of.....purchases of widows.)¹

(19) Wardship

PEMBROKE, 1154—89. Et si heres talis est quod non possit terram tenere et defendere, si burgensis qui obierit testamentum habuerit, heres illius et hereditas in custodia illorum remaneat in quam moriens commisit.

Si autem testamentum non habuerit, consilio propinquiorum amicorum et assensu burgensium meorum heres et hereditas in custodia alicujus amicorum remaneat.

(And if the heir is of such an age that he cannot hold and defend the land, if the burgess who died made a will, his heir and the inheritance shall remain in the wardship of those into whose hands the deceased committed it.

But if he died intestate, by the advice of the nearest friends and with the consent of my burgesses, the heir and inheritance shall remain in the wardship of any of his friends.)²

BRISTOL, 1188. Et quod nullus dominorum suorum propter forinsecas terras habeat custodiam vel donationem filiorum vel filiarum suarum aut viduarum sed tantum custodiam tenementorum suorum quae sunt de feudo suo donec aetatem habeant.

(And that none of their lords on account of their lands without the city, shall have the wardship or gift of their sons or daughters or widows, but only the wardship of their tenements which are of their fee until the heir is of age.)³

DUBLIN, 1192. Line 2. *For forinsecas read forinses.*

DUBLIN, 1200.

KILKENNY, 1202—10. Nullus dominorum de quibus burgenses de Kylkenn' forinsecum tenementum tenuerunt habeat custodiam vel dominationem seu filiorum vel filiarum aut viduarum sed tantum custodiam tenementorum suorum habeat donec hii qui in custodia

¹ The Men of Rye and Winchelsea were exempted from 'sponsagium.'
v A 7.

² Qu. B. C. II 145.

fuerint plenae aetatis, nisi de me sicut predictum est extra burgum in capite tenuerint.

(None of the lords of whom the burgesses of Kilkenny hold a foreign tenement (i.e. a tenement outside the borough) shall have the custody or lordship of the sons or daughters or widows (of such burgesses) but shall have the wardship of their tenements only, until they who are in ward are of full age, unless they held in chief of me outside the borough, as has been said.)

KELLS (after 1210).

Line 2. *For forinsecum tenementum read forinseca tenementa.*

3. *For dominationem read donationem.*

Omit tantum and suorum.

5. *For predictum read dictum.*

DUNWICH, 1215. Quod nullus habeat custodiam filiorum suorum vel heredum suorum vel terrae vel catallorum suorum nisi parentes et amici sui proprii vel illi quibus ipsi providerint et custodiam inde alligaverint.

(That no one shall have the wardship of their sons or heirs ⁽¹⁾ of land or chattels, except their relatives and nearest friends or those whom they chose and selected as guardians thereof.)¹

¹ Qu. B. C. II 145.

II B. TENURIAL PRIVILEGES

(1) Grant of King's Peace

DEVIZES, 1135—54 (Empress Maud). Et volo et precipio quod ipsi et homines sui et omnia mercata sua meam firmam pacem habeant.

(And I will and command that they and their men and all their wares have my firm peace.)

WINCHESTER, 1155—8. Et volo et precipio quod predicti cives mei firmam pacem juste habeant.

(And I will and order that my aforesaid citizens justly have my firm peace.)

WALLINGFORD, 1156. Burgenses mei de Wallingefordiae meam pacem firmam habeant per totam terram meam Angliae et Normanniae ubicunque sint.

(My burgesses of Wallingford shall have my firm peace throughout all my land of England and Normandy wherever they may be.)

SANDWICH, 1154—8. Et habeant meam firmam pacem.

(And they shall have my firm peace.)

SANDWICH, 1205.

GLASGOW (1175—7). Quare volo et firmiter precipio ut omnes burgenses qui in predicto burgo manentes erunt meam firmam pacem juste habeant per totam terram meam in eundo et redeundo.

(Wherefore I will and firmly enjoin that all the burgesses who shall be dwelling in that town shall justly have my firm peace through my whole kingdom in going and returning.)

WELLS, 1201. Volumus etiam quod ipsi et eorum res et possessiones sint in manu custodia et protectione nostra.

(We will also that they and their goods and possessions be in our hand and guard and protection.)

(2) Grant of Lord's Peace

RICHMOND, 1137—45. Et ubicunque sint, meam firmam pacem eis dono et concedo et si aliquis eis forisfecerit ad me veniant vel ad dapiferum meum ut eos manuteneat et in meo loco rectum eis faciat.

(And wherever they may be, I give and grant to them my firm peace, and if any incur a forfeiture to them, let them come to me or my steward that he may maintain them, and do them right in my place.)

GATESHEAD, 1153—95. Et ubicunque burgenses de Gatesheved aut catalla eorum venerint in terram nostram pacem Dei et Beati Cuthberti habeant, quod nemo eis aliquam injuriam inferat vel aliquam exactionem ab eis exigat.

(And wherever the burgesses of Gateshead or their chattels come in our land, they shall have the peace of God and St Cuthbert, so that none inflict an injury on them, nor make any exaction from them.)

CHESTER, 1188—99. (Addressed to Justiciar etc. of Ireland.) Precipio vobis quod custodiatis et protegatis cives de Cestria et omnes res et possessiones eorum et non faciatis vel fieri permittatis eis aliquam injuriam vel molestiam; et si aliquid forte ceperitis de rebus vel catallis eorum, videte quod ad rationabile forum illud capiatis, eos ita bene pacetis vel in denariis vel in mercaturis ad gratum suum quod inde clameos non audiam et quod ipsi non disturbentur de itineribus suis pro defectu pacamenti nostri.

(I order you to guard and protect the citizens of Chester and all their goods and possessions, and that you do not or permit to be done to them any injury or trouble; and if perchance you take any of their goods or chattels, see that you take it at a reasonable market, and that you pay them so well either in moneys or in goods at their pleasure, that I hear no claims therefrom, and that they are not disturbed in their journeyings for default of our payment.)

OSWESTRY, 1190—1200. Sciant tam presentes quam futuri quod ego Willelmus filius Willelmi filii Alani recepi in manu et protectione mea Burgenses meos de Blancmoster, nominatim illos qui ballivo meo messuagia receperunt ad emendationem mercati mei, et ego eos contra omnes manutenebo et quatenus de jure potero. Quare idem volo quatenus teneant messuagia sua in pace.

(Know all men, both present and future, that I William fitz William fitz Alan have received into my hand and protection my burgesses of Blancmoster, namely those who received messuages from my bailiff for the improvement of my market, and I will maintain them against all, and as far as I rightfully can. Wherefore I will that they hold their messuages in peace.)

FRODSHAM, 1209—28. Et precipio omnibus ballivis meis et ministris quod predictos burgenses meos custodiant et protegant et manuteneant in predicta libertate et in liberis consuetudinibus.

(And I order all my bailiffs and ministers to guard and protect my aforesaid burgesses, and maintain them in the aforesaid liberty and in their free customs.)

(3) Warranty of Lands etc.

LONDON, 1131. Et terras suas et wardemota¹ et debita civibus meis habere faciam infra civitatem et extra.

(And I will make my citizens to have their lands and wardmoots and debts within the city and without.)

LONDON, 1155. Et quod terras suas et tenuras et vadimonia et debita omnia juste habeant quicunque eis debeat.

(And that they shall justly have their lands and tenures and mortgages and debts, whoever owes them to them.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

NORTHAMPTON, 1189. *For vadimonia read vadia.*

NORTHAMPTON, 1200. *For vadimonia read vadia.*

COLCHESTER, 1189. Line 1. *Omit et tenuras.*

2. *Omit juste.*

WINCHESTER, 1190.

WINCHESTER, 1215.

NORWICH, 1194. *For vadimonia read vadia.*

NORWICH, 1199. *For vadimonia read vadia.*

LINCOLN, 1194. *For vadimonia read vadia.*

LINCOLN, 1200. *For vadimonia read vadia.*

GLOUCESTER, 1200.

IPSWICH, 1200. *Omit et tenuras. For vadimonia read vadia.*

CAMBRIDGE, 1201. *For eis read ea.*

GRIMSBY, 1201. *Omit et tenuras. For vadimonia read vadia.*

LYNN, 1204. *For vadimonia read vadia.*

YARMOUTH, 1208. *For vadimonia read vadia.*

NEWCASTLE-ON-TYNE, 1216.

BRISTOL, 1188. Line 2. *After debita add sua per totam terram meam. For eis read ea ipsis.*

DUBLIN, 1192. Line 2. *After debita add per totam terram et potestatem meam.*

For eis read ea.

DUBLIN, 1200. As 1192.

¹ For this reading see 'Critical Notes' in Introduction.

WINCHESTER, 1155—8. Et precipio quod habeant et teneant omnia acata et vadia sua et tenementa sua secundum consuetudinem civitatis, ita libere et quiete et pacifice sicut unquam melius tenuerunt tempore regis Henrici.

(And I order that they shall have and hold their purchases and mortgages and tenements according to the custom of the city, as freely and quietly and peaceably as ever they best had them in the time of King Henry.)

(4) Hunting Privileges

LONDON, 1131. Et cives habeant fugationes suas ad fugandum sicut melius et plenius habuerunt antecessores eorum, scilicet in Chiltre et Middlesex et Sureie.

(And the citizens shall have their hunting grounds for hunting as their ancestors best and most fully had them, to wit, in the Chilterns and Middlesex and Surrey.)

LONDON, 1155. Quod habeant fugationes suas, ubicumque eas habuerunt tempore Regis Henrici avi mei.

(That they shall have their hunting grounds wherever they had them in the time of King Henry, my grandfather.)

LONDON, 1194. *For mei read* Henrici patris nostri.

LONDON, 1199. *As* 1194.

CANTERBURY, 1155—8.

SWANSEA, 1153—84. Omnes bestias salvagias nemoris mei sine reclamacione habeant quas capere poterint, excepto cervo et cerva et senglario et martrino.

(They shall have all the wild beasts of my wood that they can take, without any interference on my part, except the stag and the doe and the wild boar and the marten.)

COLCHESTER, 1189. Omnes prefati burgenses nostri venari possunt infra banleucam Colecestriae vulpem et leporem et catum.

(All our aforesaid burgesses can hunt the fox and the hare and the cat within the banlieu of Colchester.)

EGREMONT, *c.* 1202. Item burgenses non amputabunt pedes canum suorum infra divisas suas; et si forte aliquis canis sequitur aliquem burgensem extra divisas suas in via, excepta foresta mea defendue, non calumniabitur inde a quoquam.

(Item, the burgesses shall not cut off the feet of their dogs within their bounds, and if perchance any dog follow any burgess outside their bounds on the high way, except in my preserved forest, he shall not be challenged on that account by any.)

(5) Freedom from Forest Laws

MALDON, 1171. Quare volo et firmiter precipio quod predicti burgenses et successores sui sint liberi et quieti de comitatibus et foresta et de occasionibus et sectis comitatum et forestae de canibus suis expeltandis de summonitionibus de auxiliis et placitis et querelis et misericordiis forestariorum vicecomitum et omnium ballivorum et ministrorum suorum et de omnibus exactionibus quae ad ipsos vel ad ballivam suam pertinent.

(Wherefore I will and firmly enjoin that the aforesaid burgesses and their successors shall be free and quit of shires and forest, and of pleas and suits of shires, and of forest, and of lawing¹ their dogs, and of summonses and aids and pleas and quarrels and amercements of foresters of sheriffs and of all their bailiffs and ministers, and of all exactions which to them or their office pertain.)

COLCHESTER, 1189. Nullus forestarius potestatem habeat aliquem hominem infra banleucam vexare.

(No forester shall have power to vex any man within the banlieu.)

PORTSMOUTH, 1194. (Quod quieti sint) de placito forestae et de guardo et reguardo forestae.

(That they shall be quit of pleas of the forest and of the guard and regard of the forest.)

EGREMONT, c. 1202. Licet burgensibus ire in foresta mea defendue ad mercaturam suam faciendam sine arcu et sagittis.

(The burgesses may go into my preserved forest to do their trading without bow and arrows.)

MARLBOROUGH, 1204. Quod non eant ad placita forestae nisi pro forisfacto proprio et quod non eant ad wardam nec rewardam nec ad venditionem forestae.

(That they shall not go to the pleas of the forest except for their own transgression, nor shall they go to the guard or the regard or the sale of the forest.)

(6) No Scotale etc.

LONDON, 1155. Insuper etiam, ad emendationem civitatis, eis concessi quod sint quieti de Brudtolle, et de Childwite, et de Yeresgieve et de Scotala; ita quod Vicecomes meus Londoniarum vel aliquis alius ballivus Scotallam non faciat.

¹ Lawing or expeditation; an operation by which the three claws of the forefeet of a dog were cut off to prevent him chasing the game. (Cox, *Royal Forests of England*, 47.)

(Moreover, for the improvement of the city, I have granted them that they shall be quit of Brudtoll, of Childwite, of Year's gift, and of Scotale : so that my sheriff of London or any other minister, shall not make a scotale.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

NORTHAMPTON, 1189. Line 3. *For* Vicecomes Lond. *read* prepositus.

NORTHAMPTON, 1200. Line 3. *For* Vicecomes Lond. *read* prepositus Norhantoniae.

WINCHESTER, 1190.

Line 2. *Omit* Brudtolle et de Childwite.

3. *For* ita...faciat *read* ita quod nullus vicecomes noster nec aliquis alius ballivus scotalia faciat infra eandem civitatem.

WINCHESTER, 1215. As 1190.

LINCOLN, 1194. As Northampton 1189.

LINCOLN, 1200. Line 3. *For* Vicecomes Lond. *read* prepositi...faciant.

GLOUCESTER, 1200.

Line 2. *Omit* Brudtolle et de Childwite.

3. *For* ita quod...faciat *read* si vicecomes noster vel aliquis alius ballivus scotalia faciat.

CAMBRIDGE, 1201. As Gloucester.

NEWCASTLE-ON-TYNE, 1216. Line 2. *Omit* Brudtolle et de Childwite.

WALLINGFORD, 1156. Prohibeo etiam et precipio super eandem forisfacturam ne prepositus Walingeford scotaliam faciat et ne Geresumam¹ ab aliquo quaerat et quod nullam consuetudinem in Walingeford statuatur quae noceat burgensibus villae.

(I forbid also, and order on pain of the same forfeiture that the reeve of Wallingford shall not make a scotale, nor seek a gift from any, and that he shall decree no custom in Wallingford, which shall injure the burgesses of the town.)

MARLBOROUGH, 1204. (Quod quieti sint) de scotale.

(That they shall be quit of scotale.)

MALMESBURY, 1205—22. Omnibus Christi fidelibus presens scriptum visuris vel auditoris, Walterus Dei gratia Abbas Malmesburiae et totus ejusdem loci conventus, salutem in Domino. Ad universitatis vestrae notitiam volumus pervenire, nos divinae pietatis intuitu, et pro salute animarum nostrarum, ad devotam instantiam et petitionem burgensium de Malmesburia, eisdem et successoribus suis, quantum ad nos pertinet, remisisse imperpetuum sectam trium scotalorum, quae consueverunt sequi per annum : unius, scilicet, ad festum

¹ The Inspeximus in Calendar of Charter Rolls II 68 reads 'geresgavam' for 'gersumam,' and 'faciat' for 'statuat.'

Sancti Michaelis, alterius contra Natalem Domini, et tertii in Quadregesima. Illis itaque remittimus sectam illam, qui sunt de gilda mercanda in villa Malmesburiae, et aliis omnibus existentibus extra gildam mercandam, qui tantum pacare solebant et debebant ad dicta scotalla, quantum ipsi de predicta gilda. Pro hac autem remissione dictorum scotallorum dederunt nobis dicti burgenses unam marcā argenti in gersoma, et ne detrimentum in redditu nostro, qui nobis de ipsis scotallis pervenire solet, incurramus, dabunt nobis nominati burgenses annuatim de redditu, nomine dictorum scotallorum, xxx solidos ad tres terminos, videlicet, die Dominica proxima ante festum Sancti Michaelis x solidos, et Dominica proxima ante Natalem Domini x solidos, et Dominica secunda in Passione Domini x solidos. Et colligentur isti denarii statutis terminis per manus seneschallorum predictae gildae, et per manum servientis nostri.

(To all the faithful in Christ who shall see or hear this present writing, Walter, by the grace of God, Abbot of Malmesbury, and the whole convent of the same place, send greeting in the Lord. Be it known to you all, that we, by the inspiration of divine piety, and for the salvation of our souls, at the devout instance and petition of the burgesses of Malmesbury, have released for ever to them and their successors, as far as we can, the suit of three scotales, which they were accustomed to attend every year: that is to say, one at Michaelmas, the second at Christmas, and the third in Lent. To them therefore we release that suit, who are of the merchant guild in the town of Malmesbury, and to all others outside the merchant guild, who should and ought to pay as much to the said scotales as they of the aforesaid guild. For this release, however, of the said scotales the said burgesses have given us one mark of silver as a fine; and that we may not incur a loss in our rent, which ought to be paid to us from the said scotales, the said burgesses will give us yearly, as rent for the said scotales, 30s. at the three terms, to wit, 10s. on the Sunday next before Michaelmas, and 10s. on the Sunday next before Christmas, and 10s. on the second Sunday in Easter. And these sums shall be collected at the fixed terms, by the hands of the stewards of the said guild, and by the hand of our serjeant.)

(7) No Billetting or Purveyance

LONDON, 1131. Et infra muros civitatis nullus hospitetur, neque de mea familia, neque de alia, nisi alicui hospitium liberetur.

(And within the walls of the city, none shall be billeted, neither of my household, nor of any other, unless hospitality be offered to any.)

Line 2. *L. reads vi for nisi.*

For last 4 words R. reads vi alicui liberatur.

COLCHESTER, 1189.

Line 2. *Omit neque.*

For last 4 words read vi vel liberatione mareschallorum.

EDINBURGH (Canongate), (1124—53). Et prohibeo ne aliquis in burgo eorum (i.e. Monachorum de Holyrood) panem vel cervisiam aut pannum aut aliquod venale capiat per vim aut sine voluntate burgensium.

(And I forbid anyone from taking in their burgh, bread or beer or cloth or anything that they have for sale by force or without the will of the burgesses.)

LONDON, 1155. Infra muros nemo capiat hospitium per vim vel per liberationem Mareschalli.

(Within the walls no one shall take hospitality by force or by the billet of the marshal.)

LONDON, 1194.

LONDON, 1199. *After muros add civitatis neque in portsocha.*

CANTERBURY, 1155—8. *For muros read civitatem.*

NORTHAMPTON, 1189. *After muros insert illius burgi.*

NORTHAMPTON, 1200. *As 1189.*

NORWICH, 1194. *As Northampton.*

LINCOLN, 1194. *As Northampton.*

LINCOLN, 1200. *As Northampton.*

For mareschalli read mareschallorum.

GRIMSBY, 1201. *For muros read burgum illum.*

For mareschalli read mareschallorum.

LYNN, 1204. *For mareschalli read mareschallorum.*

YARMOUTH, 1208. *As Lynn.*

BRISTOL, 1188. *For vim read assignationem.*

Add contra voluntatem burgensium.

DUBLIN, 1192. *For vim read assisam.*

For mareschalli read mareschallorum.

Add contra voluntatem civium.

DUBLIN, 1200. *As 1192.*

NORWICH, 1199. Nemo hospitetur nec quidquid per vim capiat infra burgum de Norwico.

(None shall be entertained nor take anything by force in the city of Norwich.)

IPSWICH, 1200. *For nemo read nullus*¹.

(8) Limitation of Lord's Credit

COVENTRY, 1186. Et preterea cum aliis quietationibus quod nec ipsi burgenses prefato comiti nec suis aliquid in corrodio nec in alio accommodent nisi ea conditione quod de redditione catalli sui sui tuti sint.

¹ For Leases reserving hospitality at Colchester see *8 Essex Arch. Society*, 184 : at Portsmouth, *Cal. Documents preserved in France*, 258.

(And moreover, with other quittances, that the said burgesses shall not lend to the earl or his men anything, either food or other things, except upon condition that they are secured for the return of their chattels.)¹

EGREMONT, c. 1202. In ceteris vero pannos et cibos et aliud mercatorium mihi acredent per dies quadraginta, et si eis debitum suum infra terminum illum non persolvem, non teneantur mihi alia mercatoria sua acredere donec debitum suum reddidero.

(In other matters, however, they shall lend to me cloth and food and other merchandise for forty days, and if I do not pay their debt to them within that term, they shall not be bound to lend me other merchandise till I have paid their debt.)²

KILKENNY (1202—10). Nullus burgensis cogatur catallum suum prestare nisi prius facta fuerit securitas ad certum terminum de reddendo. Et si forte aliquis burgensis catallum suum sponte commodaverit ballivis castelli mei si certus terminus reddendi constitutus non fuerit infra quadraginta dies persolvatur.

(No burgess shall be forced to lend his chattels unless security is first given of repayment within a certain time. And if perchance any burgess should of his own accord lend his chattels to the bailiffs of my castle, unless a fixed time for repayment is first agreed, he shall be repaid within forty days.)

INISTIOGE (after 1206).

Line 4. *For castelli mei read curiae nostrae.*

KELLS (after 1210)³.

Line 1. *For catallum suum read victualia.*

3. *For catallum suum read victualia.*

4. *For commodaverit read accommodaverit.*

For ballivis castelli mei read ad castellum meum.

Omit si...end and read ego vel ballivus meus infra quindecim dies pretium persolvemur.

KILKENNY (1202—10). Et si forte facta fuerit mutatio ballivorum ego vel ballivus meus compellemus quod eis debitum reddat sicut rationabiliter eis debere monstrare poterunt.

(And if there should be a change of bailiffs I or my bailiff will compel the retiring bailiff to pay the debt which he owes them, as they can reasonably prove the same to be due.)

KELLS (after 1210)³.

Line 2. *After ballivus meus insert ballivum recedentem.*

3. *After reddat insert quod eis debet.*

KELLS (after 1210)³. Et si aliquis burgensis de Kenel' sponte pannum sal vel ferrum aut hujusmodi merces mihi vel ballivis accommodaverit, nos ei inde infra quadraginta dies de prestito suo satisfaciemur, ita quod nisi infra dictum terminum satisfactum fuerit

¹ Qu. B. C. II 86.

² Qu. B. C. II 88.

³ Qu. B. C. II 87.

ei, non cogatur neque compellatur aliquid prestare donec de prestito prius facto plenius sibi satisfactum fuerit.

(And if any burgess of Kells should lend of his own accord cloth salt iron or such-like goods to me or my bailiffs, we will pay him for the same within forty days, and unless he is paid within this term, he shall not be forced or compelled to lend aught until he has been fully satisfied for the former loan.)

BRADNINCH, 1215—20. Adhuc dedi et concessi eis ut si ego in villam veniam et ballivi mei ex eis negotia mea mutuo accipiant, volo ut hoc sit per visum prepositi villae et ut infra quadraginta dies debitum persolvatur per visum ejusdem prepositi. Et nisi infra quadraginta dies debitum persolvatur concessi eis ut non plus ballivis meis accommodent antequam debita sua eis sunt soluta.

(I have also given and granted to them that if I come into the town, and my bailiffs receive goods for me from them on credit, I will that this should be done under the supervision of the reeve of the town, and that the debt should be paid within forty days under the same supervision. And unless the debt is paid within forty days, I have granted to them that they shall lend no more to my bailiffs before their debts are paid to them.)¹

(9) Military Service

SWANSEA, 1153—84. Et si in exercitum summonuero burgenses meos sive ad alium effectum meum, ibunt cum dispensa sua, ita ut eadem nocte ad domos suas redire possint. Et si longius illos duxerim, super dispensam meam erunt. Et si lucrati fuerint medietatem contra me habeant.

(And if I shall summon my burgesses to an expedition, or for any other business of mine, they shall go at their own expense, if so be that they can return to their homes the same night. And if I lead them further, they shall go at my expense. And if they gain any booty, they shall have half against any claim of mine.)

PEMBROKE, 1154—89. Si autem venerit negotium ut predicti burgenses mei ad exercitum ire debeant salva custodia villae meae per esguardiam² ipsorum, eant cum ballivo meo ut possint ad noctem reverti.

Si autem fuerit exercitus formatus per esguardiam ipsorum ut mihi ad presidium meum serviant salva custodia villae meae ibunt.

(If however business shall arise so that my aforesaid burgesses ought to go on expedition having garrisoned my town according to their own deliberate opinion, they shall go with my bailiff so that they can return at night.

But if the expedition shall be undertaken on their judgment they shall go to be my body-guard, having garrisoned the town.)

¹ Qu. B. C. II 86.

² Du Cange : Judicium, sententia judicis cum cognitione causae.

EGREMONT, c. 1202. Et sciendum est quod si Werra advenerit idem burgenses invenient mihi et heredibus meis duodecim homines cum armis suis in castello meo defendendo de Acrimonte per quadraginta dies ad eorum proprias expensas.

(And be it known, that if war break out, the same burgesses shall find for me and my heirs twelve armed men for the defence of my castle of Egremont for forty days at their own expense.)

(10) Naval Services

HASTINGS, 1155—8. Et pro hiis libertatibus invenient mihi per annum xx naves ad custamentum suum xv diebus: et si amplius fuerint in servitio meo plenariam liberationem habebunt.

(And for these liberties they shall find for me yearly twenty ships at their own cost for fifteen days: and if they shall be longer in our service, they shall have full pay.)

HASTINGS, 1205. Add sicut carta regis Henrici patris nostri quam inde habent rationabiliter testatur.

LYDD, 1155—8. (Homines Archiepiscopi Cantuariensis de Lhida et Dyngemers) qui mihi debent quintam partem servitii navium cum hominibus de Romenel.

(The Archbishop's men of Lydd and Dengemarsch who owe me the fifth part of the ship service of the men of Romney.)

MALDON, 1171. (Quod quieti sint de...omni forinseco servitio). Praeter unam navem quam cum necesse habuero personaliter ire vel mittere in exercitu propter negotium regni invenient ad servitium meum summoniti per litteras meas ad certum locum et diem quadraginta diebus super expensis propriis sicut fecerunt tempore Regis Henrici avi nostri.

(Except one ship which, when I have necessity to go personally or to send an expedition on account of the business of the kingdom, they shall find for my service, on being summoned by my letters to a certain place and day, for forty days at their own expense, as they did in the time of King Henry my grandfather.)

RYE AND WINCHELSEA, 1191. Pro his libertatibus invenient ad plenarium servitium nostrum duas naves ad perficiendum numerum viginti navium de Hastings.

(For these liberties they shall find for our service two ships to complete the number of twenty ships from Hastings.)

RYE AND WINCHELSEA, 1205.

(II) Aids

BURY ST EDMUNDS, 1135—54. Stephanus etc. Sciatis me quietos clamasse omnes homines de burgo Sancti Edmundi de omni exactione pecunie et de omnibus prestis imperpetuum nisi per abbatem et conventum.

(Know ye that I have quit-claimed all the men of the borough of St Edmund from all exaction of money and from all (forced) loans for ever, except (they are raised) by the abbot and convent.)

EGREMONT, *c.* 1202. Item dabunt mihi auxilium ad faciendum militem unum de filiis meis et aliud auxilium similiter dabunt ad maritandum unam ex filiabus meis.

Item si necesse fuerit ad corpus meum vel heredum meorum redimendum, mihi auxilium dabunt.

Item aliud auxilium mihi facient quando milites terrae meae auxiliabuntur et illud debet fieri per visum duodecim burgensium.

(Item, they shall give me aid to make one of my sons a knight, and likewise another aid to marry one of my daughters.

Item, if it shall be necessary to redeem my body or the bodies of my heirs, they shall give me an aid.

Item, they shall give me another aid when the knights of my land give me an aid, and this ought to be done under the view of twelve burgesses.)

ELVET, 1188—1219. Bertramus Prior et Conventus Dunelmensis ecclesiae omnibus videntibus vel audientibus has litteras salutem. Noverit universitas vestra nos concessisse et...confirmasse fidelibus burgensibus nostris de novo burgo nostro in Elvethalch scilicet, a via quae jacet juxta domum Abbatis de Novo Monasterio ex aquilonali parte versus Scaltoc, ut liberi sint et quieti a consuetudinibus et exactionibus et omnibus auxiliis, excepto quod curiam nostram et placita in manu nostra retinemus.

(Bertram the Prior, and the Convent of the Church of Durham to all who see or hear these letters, health. Be it known to you all that we have granted and confirmed to our faithful burgesses of our new borough in Elvethalch, that is, from the way which lies near the house of the Abbot of the new Monastery on the northern side towards Scaltoc, that they shall be free and quit from customs and exactions and all aids, except that we retain our court and our pleas in our own hand.)

WALSALL (after 1198). Salvo mihi et heredibus meis de dictis burgensibus et heredibus suis tallagium quando Dominus Rex talliat burgenses suos.

(Saving to me and my heirs tallage from the said burgesses and their heirs whenever our Lord the King tallages his burgesses.)

LEEDS, 1208. Cum autem Dominus Rex posuerit auxilium suum per civitates Angliae, predicti burgenses mei de Leedes dabunt Domino Regi auxilium rationabile.

(Moreover, when our Lord the King imposes an aid on the cities of England, my aforesaid burgesses of Leeds shall give a reasonable aid to our Lord the King.)¹

(12) Riding Service

HAVERFORDWEST, 1189—1219. Si dominus vel ballivus ierit ad parliamentum vel in exercitum, tunc eant burgenses illi cum eo cum quanta gente poterunt salva custodia villae suae.

(If the Lord or the bailiff shall go to parliament or in the army, then those burgesses shall go with him with as many folk as possible, saving the watch of their own town.)

EGREMONT, c. 1202. Quod idem burgenses non debent ire extra portas burgi de Acrimonte pro alicujus summonitione nisi ad januam castelli cum domino vel ejus seneschallo ad namium capiendum vel stricturam faciendam infra Coupland.

(That the said burgesses ought not to go outside the gates of the borough of Egremont for the summons of any except to the castle gate with the lord or his steward, to take a distress or make a seizure within Coupland.)

(13) Watching Service

BURY ST EDMUNDS, 1121—38. Igitur consuetudo illorum est invenire octo homines per annum de quattuor custodiis per noctem ad villam custodiendam et in festo S. Edmundi xvi homines per quattuor portas scilicet duos homines in die et totidem in nocte et similiter per xii dies natalis Domini.

Invenient etiam quattuor janitores per annum ad iiii portas. Quinta autem porta id est orientalis porta est in manu abbatis.

(Their custom is to find eight men every year for the four watches of the night to guard the town, and sixteen men at the feast of St Edmund at the four

¹ For the methods of tallaging the inhabitants of the soke of the Canons of Grimsby see IV A 8.

gates, to wit, two men by day and two men by night, and likewise through the twelve days of Christmas.

They shall also find four door-keepers a year for four gates: the fifth gate, however, that is, the east gate, is in the hands of the abbot.)

BURY ST EDMUNDS, 1182—1212.

- Line 1. *For igitur read ergo.*
 2. *For noctem read singulos noctes.*
 3. *For per quattuor portas read ad quattuor portas custodiendas.*
 4. *Before in die insert ad quamlibet portam.*
 7. *Add si autem opus fuerit Sacrista inveniet materiem portarum et burgenses parabunt eas.*

EGREMONT, c. 1202. Item vigiliae burgi debent incipi (MS. incipere) a burgensibus et si quis defecerit in eisdem vigiliis dabit mihi sex denarios et summonitori unum quadrantem.

(The watches of the borough ought to be undertaken by the burgesses, and if any man fail in (keeping) the same watches, he shall pay six pence to me and one farthing to the summoner.)

CORBRIDGE (after 1212). Vigiliae vero, quae fieri debent per preceptum domini regis, per duos burgenses unacum serviente ad hoc deputato statuuntur, ut arcus fiant et efficacius custodiantur. Nullus burgensis de cetero distringatur ad nundinas custodiendas, nisi ex propria voluntate.

(The watches, moreover, which ought to be kept by the king's commandment, shall be determined by two burgesses along with the serjeant of the lord deputed for this purpose, that they may be kept more strictly and guarded more efficaciously. No burgess for the future shall be distrained to watch during the fair, except of his own will.)¹

(14) Walling Services

BURY ST EDMUNDS, 1121—38. Quod si fossatum quo villa circumdata reparari debet si milites de abbatia et liberi sokemanni ibi operantur tunc burgenses ibi operabuntur sicut milites sive sokemanni quia illud opus non pertinet magis ad burgenses quam ad milites.

(But if the ditch, by which the town is surrounded, ought to be repaired, if the knights of the abbey, and the free sokemen work there, then the burgesses shall there work as the knights and sokemen do, because that work is not more incumbent on the burgesses than on the knights.)

BURY ST EDMUNDS, 1182—1212.

Line 2. *For debet read debeat.*

3. *For operantur read operentur.*

¹ For the watching services of the Prior of the Holy Trinity of London see Knights' Guild IV A 10; p. 128.

WALLINGFORD, 1156. (Quod quieti sint de.....) Et operationibus castellorum et murorum et fossatorum et parcorum et pontium et calcearum et omni consuetudine et exactione seculari et opere servili.

(And that they be quit of work on castles and walls and ditches and parks and bridges and causeways and from all custom and secular exaction and servile work.)

MALDON, 1171.

Line 1. *For et read de.*

2. *Omit et murorum.*

For fossatorum read fovearum.

3. *For omni consuetudine read omnibus aliis operationibus.*
Omit et exactione to end.

4. *Add et de omni forinseco servitio.*

HEREFORD, 1189. Ita quod ipsi auxilium praestabunt ad claudendam villam.

(Provided that they aid in fortifying the town.)

INVERNESS, 1171—97. Burgenses vero universi mihi conventionaverunt quod cum circa predictum burgum fossatum fecero ipsi super fossatum totum burgum claudent bono palitio et ex quo clausum fuerit palitium illud sustentabunt et semper bonum et integrum conservabunt.

(Moreover, all the burgesses have agreed with me, that when I shall have made a ditch around the aforesaid burgh, they will enclose the whole burgh with a good pale on its bank, and from the time when it is enclosed, they will maintain the pale, and always keep it good and whole.)

(15) Agricultural Services

LEICESTER, 1191—1204. Noverit universitas vestra me pro salute animae meae et (pro animabus) omnium antecessorum et omnium successorum meorum dimisisse et omnino quietos clamasse a me et heredibus meis in perpetuum illos denarios qui capi solebant annuatim de burgensibus meis Leycestriae ad metendum segetes meos apud Leycestriam et illos insimul denarios qui capi solebant de singulis vaccis in defenso meo pro escapura et insimul illos denarios qui capi solebant de carectis portantibus bladum de Leycestria ad alium molendinum quam ad molendinos meos de Leicestria.

(Be it known unto you all that I for the salvation of my soul and for the souls of all my ancestors and successors, have released and altogether quit-claimed for me and my heirs for ever, those pence which were wont to be taken yearly from my burgesses of Leicester for mowing my crops at Leicester, and

likewise those pence which were wont to be taken for every cow in my separate pasture as escape money, and likewise those pence which were wont to be taken from waggons carrying corn from Leicester to another mill than my mills at Leicester.)

LANCASTER, 1193. (Preterea clamavi eosdem burgenses quietos) de arura et aliis servilibus consuetudinibus quas facere solebant et quod non metent ad opus meum de cetero sicut metere consueverunt.

(Moreover, I have quit-claimed the same burgesses from their ploughing and other servile customs which they were wont to make, and (have granted) that they shall no longer mow at my need, as they were wont to mow.)

LANCASTER, 1199.

EGREMONT, c. 1202. Item, burgenses qui carucas habent, arabunt mihi uno die de mane usque ad nonam annuatim ad summonitionem prepositi mei: et unumquodque burgagium inveniet unum hominem in autumnno ad metendum, et habebunt prandium suum quando arabunt et metent.

(Item, the burgesses who have ploughs, shall plough for me one day every year from morning till nones on the summons of my reeve; and every burgage shall find one man in autumn for mowing, and they shall have their dinner when they plough and mow.)

(16) Merchet

NEWCASTLE-ON-TYNE, 1100—35 (A-text).

In burgo non est merchet nec heriot nec blodwit nec stengesdint¹.

(In the borough is neither merchet nor heriot nor bloodwite nor stengesdint.)

NEWCASTLE-ON-TYNE, 1100—35 (B-text).

In burgo non debet dari nec merchet nec heriot nec blodwyt nec stengesdvt.

(In the borough there ought to be given neither merchet nor heriot nor bloodwite nor stangesduit.)

WEARMOUTH, 1162—86. *Read* exigi for dari.

EGREMONT, c. 1202. Item si quis qui vixerit secundum legem burgi fornicatus fuerit cum filia alicujus rustici infra burgum, non dabit merchet² nisi eam desponsaverit.

(Item, if any man living according to the law of the borough, commit fornication with the daughter of any rustic within the borough, he shall not pay merchet unless he marry her.)³

¹ 'Stengesdint' from 'stenge' (A. S.), a pole, and 'dingan,' to strike: sense obscure (*Select Charters*, Glossary).

² For merchet at Durham see v A 8.

³ Qu. B. C. 11 85.

(17) Suit of Mill and Oven¹

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Unusquisque burgensis potest habere suum furnum et molam manualet si velit, salvo jure furni regis.

(Every burgess can have his own oven and hand-mill if he wishes, saving the right of the King's oven.)

WEARMOUTH, 1162—86.

Line 1. *Read* cuilibet burgensis liceat *for* unusquisque burgensis potest.

2. *Omit* si velit.

3. *Read* Domini episcopi *for* regis.

NEWCASTLE-ON-TYNE, 1100—35 (B-text).

Item quisque burgensis potest habere furnum et molendinum.

(Item every burgess can have his oven and mill.)

CARDIFF (1147—83). Item, quilibet burgensis potest braciare et furniare sine licentia et sine tolneto et consuetudine.

Et potest facere torallos columbarios et molendinum equinum et manumolendinum.

Item, burgensis nullam sectam debet, nisi voluntate, ad molendinum sive ad pannos fullendos vel tingendos.

(Item, every burgess may brew and bake without license and without toll and custom.

And he may build dove-towers, and horse-mills and hand-mills.

Item, no burgess shall owe suit of mill, except voluntarily, whether for fulling or dyeing clothes.)

TEWKESBURY (1147—83). Et...quod ipsi panem venalem in furno suo proprio vel alieno cervisiam venalem in bracina sua vel aliena facere possent, salvo quod assisam regiam tenerent.

Et quod ipsi facere possent furnos toralia molas manuales absque impedimento comitum predictorum seu ballivorum suorum quoruncunque.

(And that they might bake bread for sale in their own oven or another's, and might brew beer for sale in their own brewhouse or another's, provided that they kept the royal assise.

And that they might make ovens, kilns² and hand-mills without any hindrance on the part of the aforesaid earls or their bailiffs whomsoever.)

BRISTOL, 1188. Et quod possint molere blada sua ubicunque voluerint.

(And that they may grind their corn wherever they will.)

¹ The burgesses of Swansea could have ovens in their burgages ; see II A 5.

² For making malt.

LANCASTER, 1193. Preterea clamavi eosdem burgenses quietos de secta molendini mei.

(Moreover, I have quit-claimed the same burgesses from the suit of my mill.)

LANCASTER, 1199.

RYE, 1189—1219. Sciant presentes et futuri quod ego Radulfus Dei gratia Abbas Fiscanniensis et totus ejusdem loci conventus relaxavimus probis et fidelibus nostris de Ria et eorum heredibus in perpetuum costumam illam quae vocatur aletol¹ pro vi viginti marchis argenti, quas ipsi contulerunt ecclesiae Fiscanniensi, sicut inter eos et ecclesiam Fiscanniensem tempore Henrici abbatis taxatum fuit et utrumque concessum.

(Know all men, present and future, that I Ralph, by the grace of God Abbot of Fecamp and the whole convent of the same place, have released to our upright and faithful men of Rye and their heirs for ever that custom which is called aletol for six score marks of silver which they paid to the church of Fecamp, as it was valued and agreed between them and the church of Fecamp in the time of Abbot Henry.)

ELVET, 1188—1219. Et sciendum est quod prenominati burgenses nostri molendinum nostrum sequentur et molent ad xviii vas.

(And be it known, that our before-named burgesses shall pay suit to our mill, and shall pay the eighteenth measure as multure.)

EGREMONT, c. 1202. Et dabunt multuram ad molendinum meum scilicet tertium decimum vas de proprio blado suo, de blado vero empto dabunt sextum decimum.

Item licet burgensibus habere furnum in domibus suis.

(And they shall give multure at my mill, to wit, the thirteenth measure of their own corn, but of bought corn they shall give the sixteenth measure.

Item, the burgesses may have an oven in their own houses.)

KILKENNY, 1202—10. Item concessi eisdem burgensibus multuram suam in molendinis meis per thelonia rationabilia.

(Item, I have granted to the said burgesses their multure in my mills at reasonable tolls.)

LEEDS, 1208². Prefati vero burgenses in furno meo consuetudine furnare³ debent.

(The aforesaid burgesses ought, by custom, to bake in my oven.)

¹ For exemption from brewing gafol see Marlborough p. 123.

² For grant of houses outside Southgate at Leicester, with suit of tenants at grantee's oven, see *Records of Leicester* I 10.

³ *Corr.* from 'in firmo meo consuetudine furnere.'

FRODSHAM, 1209—28. *Salvis mihi et heredibus meis..... sequela molendinorum meorum et furni mei.*

(Saving to me and my heirs the suit of my mills and oven.)

LEEK, 1209—28. *Et quod blada sua ad molendina mea molent statim post illud quod erit in tridumma, Et ad vicesimum granum.*

(And that they grind their corn at my mills immediately after that which is in the hopper, and at the twentieth grain [i.e. at the payment of one twentieth of the amount ground].)

(18) Lord's Rights over Chattels

CARDIFF, 1147—83. *Item quilibet potest bovem suum equum et aliam mercem quamcunque habuerit sine licentia domini vendere¹.*

(Item, every burgess can sell his ox or his horse or any other merchandise which he has, without the license of the lord.)

TEWKESBURY, 1147—83. *Et quod nullus burgensis burgi predicti ratione burgagii vel dimidii burgagii ullo modo esset talliatus seu redemptionem sanguinis faciet seu inquietaretur ratione venditionis equi bovis aut aliorum catallorum suorum quorumcunque sed quilibet eorum sine calumpnia mercandis suis uteretur².*

(And that no burgess of the aforesaid borough, by reason of his burgage or half-burgage, shall in any way be tallaged or redeem his blood, or shall be disquieted by reason of the sale of a horse or an ox or any other of his chattels whatsoever, but every one of them shall use his merchandise without challenge.)

(19) Disallowance of Unjust Customs³

WINCHESTER, 1155—8. *Et si aliquae consuetudines injuste levatae sunt in guerra, cassatae sint.*

(And if any customs were unjustly raised during the war, they shall be disallowed.)

WINCHESTER, 1190.

WINCHESTER, 1215.

Line 1. *Omit aliquae.*

2. *For sunt in guerra read fuerunt tempore guerrae.*

Before cassatae insert omnino.

GLOUCESTER, 1200.

CAMBRIDGE, 1201.

MARLBOROUGH, 1204.

Line 2. *For sunt read fuerint.*

Add salvis nobis et heredibus nostris talliis redditibus et consuetudinibus nostris quae in presenti carta non nominantur.

¹ Qu. B. C. II 74.

² Qu. B. C. II 74.

³ See also Exeter I 4.

NEWCASTLE-ON-TYNE, 1216.

Line 2. *Before cassatae insert omnino.*

(20) Miscellaneous Privileges

BEVERLEY, c. 1130. Hujus etiam cartae testimonio eisdem burgensibus liberos introitus et exitus concessi scilicet in villa et extra villam, in plano et bosco et maresio in viis et in semitis, et ceteris convenientiis, exceptis pratis et bladis, sicut unquam melius et liberius et largius aliquis possit concedere et confirmare.

(Also, by the witness of this charter, I have granted to the same burgesses their free entrances and exits, to wit in the town and without, in plain and wood and marsh, in ways and in paths, and in other conveniences, except meadows and corn-fields, as any person best and most freely and most largely could grant and confirm these privileges.)

BEVERLEY, c. 1154.

Line 1. *Before hujus insert pretere.*

2. *For concessi read confirmavi.*

Omit in.....villam.

3. *Omit in viis.....semitis.*

4. *After convenientiis read sicut antiquiores ipsius villae juraverunt et probaverunt de suis convenientiis.*

5. *For aliquis.....confirmare read predictus Thurstanus predecessor venerabilis eisdem burgensibus concessit et dedit.*

OXFORD, 1156. Et quod ad festum meum mihi serviant cum illis de bottellaria mea, et facient communiter cum eis mercaturam suam infra Londonias et extra et in omnibus locis.

(And that at my coronation they shall serve me with those of my buttery, and shall do with them their merchandize within London, and without, and in all places.)

BEDFORD, 1189. Line 1. Omit et.....mea.

HASTINGS, 1155—8. Sciatis quod ego concedo baronibus meis de Hastings honores suos in curia mea¹ et libertates suas.

Et habeant strand et den apud Gernemutam. Et precipio quod curam agant ibi de pace et justitia mea cum proposito meo.

Et do eis inventiones suas in mari et terra.

Et sint quieti de omnibus rebus sicut mei liberi homines.

(Know ye that I grant to my barons of Hastings their honours in my court and their liberties. And they shall have strand and den at Yarmouth. And I order that they care there for my peace and justice along with my reeve. And I give them their findings by sea and land. And they shall be free of all things as my free men.)

HASTINGS, 1205.

¹ Does this carry the Canopy service back to the Coronation of Henry II? see Round, *King's Serjeants*, 329.

BRISTOL, 1172. Sciatis me dedisse et.....confirmasse hominibus meis de Bristowa civitatem meam de Duvelina ad inhabitandum.

(Know ye that I have given and confirmed to my men of Bristol, my city of Dublin for their dwelling.)

BRISTOL, 1185. *After* Bristowa *add* donationem quam Dominus Rex Angliae pater meus eis dedit scilicet.

RYE AND WINCHELSEA, 1191. Concedimus etiam illis quod habeant inventiones in mari et terra et quod sint quieti de omnibus rebus suis et de toto mercatu suo sicut nostri liberi homines.

(We have granted also to them that they may have their findings by sea and land, and that they shall be quit of all their things and of all their merchandize as our free men.)

RYE AND WINCHELSEA, 1205.

PEVENSEY, 1207. Sciatis nos concessisse et.....confirmasse baronibus nostris de Pevensel quod faciant unam villam super galetum quod jacet inter portum de Pevenesel et Langeney quod est infra libertates quinque portuum maris, habendam et tenendam per libertates quas homines nostri de quinque portubus habent.

(Know ye that we have granted and confirmed to our barons of Pevensey that they may build a town on the headland which lies between the port of Pevensey and Langney, which is within the liberties of the Cinque Ports, to be had and holden by the liberties by which our men of the Cinque Ports hold.)

DUBLIN, 1215. Et concessimus eisdem civibus quod faciant unum pontem ultra aquam de Avenlith ubi providerint sibi et civitati nostrae predictae magis expedire.

(And we have granted to the same citizens that they may make a bridge beyond the river of Avenlith, where they decide that it is most expedient for themselves and for our aforesaid city.)

WINCHESTER, 1215. Sciatis nos concessisse.....civibus nostris Wintoniensibus pro fidei servitio suo et heredibus eorum quod monetaria nostra et escambium nostrum monetae nostrae in perpetuum sit in civitate nostra Wintoniae cum omnibus libertatibus ad monetariam nostram et escambium nostrum monetae nostrae pertinentibus.

(Know ye that we have granted to our citizens of Winchester in consideration of their faithful service and to their heirs that our mint and our exchange of our money shall for ever be in our city of Winchester, together with all the liberties to our mint and our exchange of our money pertaining.)

III. BURGESS FRANCHISE

(1) Free Burgesses

BRIDGEWATER, 1200. (To William Briwerr.) Concessimus etiam predicto Willelmo quod predicti burgenses sui de predicto burgo sint liberi burgenses.

(We have granted also to the aforesaid William that his aforesaid burgesses of the aforesaid borough shall be free burgesses.)

HARTLEPOOL, 1201. Sciatis nos concessisse.....hominibus de Herterepol quod sint liberi burgenses.

(Know ye that we have granted to the men of Hartlepool that they shall be free burgesses.)

WELLS, 1201. Et quod homines ejusdem villae et heredes eorum sint liberi burgenses.

(And that the men of the same town and their heirs be free burgesses.)

(2) Franchise to Sons of Burgesses

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si burgensis filium habuerit in libertate patris sic¹ ei fuerit cum patre.

(If a burgess has a son in the liberty of his father it shall be with him as with his father.)

NEWCASTLE-ON-TYNE, 1103—35 (B-text). Si burgensis habeat filium in domo sua ad mensam suam, filius ejus eandem habeat libertatem quam et pater ejus.

(If a burgess has a son at home at his table, the son shall have the same liberty as his father.)

WEARMOUTH, 1162—86.

Line 2. *After filium insert suum.*

Omit ejus.

3. *Omit et.*

¹ Corr. from *si*.

LEGES QUATTUOR BURGORUM. Filius burgensis quamdiu fuerit ad mensam patris sui, habebit eandem libertatem ad vendendum et emendum quam et pater suus habet; sed quum ab eo discesserit illa libertate non gaudebit nisi burgensis fuerit.

(The son of a burgess, so long as he is at his father's table, shall have the same liberty of selling and buying as his father has: but when he leaves him, he shall not enjoy that liberty unless he is a burgess.)

(3) Franchise by Occupation of Burgage

CARDIFF, 1147—83. Et si quis dimidium burgagium in capite de domino comite tenuerit eandem libertatem habebit ac si integrum teneret burgagium.

Et si burgensis habuerit duo burgagia et voluerit unum ipsorum alteri locare, potest si voluerit locator eandem libertatem concedere ei qui dictum burgagium locaverit quam et ipse habet et ipse gaudebit.

(And if anyone hold half a burgage in chief of our lord the earl, he shall have the same liberty as if he held a whole burgage.

And if a burgess has two burgages and wishes to let one of them to another, the lessor can, if he wish, grant the same liberty to the hirer of the said burgage, as he himself has, and the hirer shall enjoy such liberty.)

TEWKESBURY, 1147—83. Et si quis eorum dimidium burgagium teneret, illud cum eadem libertate haberet qua integrum burgagium tenerent et haberent secundum quantitatem burgagii sui.

Et si extraneus qui burgensis non esset nec filius burgensis burgagium vel dimidium burgagium in eodem burgo emeret, ad proximam curiam burgi predicti sequentem veniret et finem suum pro ingressu et fidelitatem faciat.

(And if any of them hold half a burgage, he shall have it with the same liberty, with which they have and hold a whole burgage, according to the size of his burgage.

And if a stranger, who was not a burgess nor the son of a burgess bought a burgage or a half burgage in the same borough, he should come to the next following court of the aforesaid borough, and pay his fine on entry and perform his fealty.)

PONTEFRAC, 1194. Quicumque emerit aliquam partem alicujus tofti et saisatus fuerit sicut prescriptum est adeo liber est sicut totum toftum emeret.

Si quis habuerit plures domos in tofto suo et locaverit eas

aliquibus, liberi erunt vendere et emere omnia mercimonia sed dabit quattuor denarios pretori per annum.

Qui in capitali domo manserit quietus erit et liber sicut burgensis esset.

(Whoever buys any part of any toft and is put in seisin as aforesaid, shall be as free as if he had bought the whole toft.

If anyone has more houses (than one) in his toft, and lets them to others, they shall be free to sell and buy all wares, but shall pay four pence a year to the reeve.

He who dwells in the principal house, shall be quit and free as if he were a burgess.)

LEEDS, 1208. Line 2. *Omit fuerit.*

5. *For aliquibus liberi erunt read alicui liber erit.*

OKEHAMPTON, 1194—1242. Si quis desiderat libertatem burgi, et talis sit quod possit recipi, primo anno reddat domino quattuor denarios, et burgo quattuor, secundo anno domino quattuor tantum, tertio burgagium capiat vel gabellum reddat et recedat.

(If anyone desires the liberty of the borough and is such as can be received, in the first year he shall pay the lord four pence, and the borough four pence, in the second year he shall pay four pence to the lord only, and in the third year he shall take his burgage or pay gablum and go away.)

(4) Franchise by Residence for Year and Day

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si rusticus in burgo veniat manere, et ibi per annum unum et diem sicut burgensis maneat in burgo, ex toto remaneat, nisi prius ab ipso vel domino suo prelocutum sit ad terminum remanere.

(If a rustic come to reside in the borough, and there reside for a year and a day as a burgess in the borough, he shall entirely remain, unless there has been a previous agreement by him or his lord for his residence there for a certain time.)

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si villanus veniat ad burgum manere, et uno anno et una die terram in burgo tenuerit sine prolocutione domini sui vel propria ad aliquem terminum, remaneat in burgo sicut burgensis.

(If a villain come to the borough to reside, and hold land there for a year and a day without previous agreement with his lord, for (his residence there) for a certain time, he shall remain in the borough as a burgess.)

WEARMOUTH, 1162—86.

Line 2. *After terram add et domum.*

3. *After sine add calumpnia et.*

After propria add sua prolocutione usque.

PEMBROKE, 1154—89. Et si quis in eadem villa anno uno et die sine calumpnia extiterit, de quocunque loco sive liber sive servus fuerit, semper postea liber homo meus remaneat.

(And if any live in the same town for a year and a day without challenge, from any place, whether he be free or serf, he shall remain ever thereafter my free man.)

LINCOLN, 1157. Confirmo etiam eis quod si aliquis manserit in civitate mea Lincolniae per annum et unum diem sine calumpnia alicujus calumniatoris et dederit consuetudines civitatis, et cives poterint monstrare per leges et consuetudines civitatis quod calumniator exstitit in regione Angliae et non calumniatus est eum, extunc ut in antea remaneat in pace in civitate Lincolniae sicut civis meus sine placito¹.

(I confirm also to them that if any remain in my city of Lincoln for a year and a day without challenge from any claimant and pay the customs of the city, and the citizens can show according to the laws and customs of the city that a claimant was living in England and did not challenge him, thenceforward as heretofore, he shall remain peacefully in the city of Lincoln as my citizen.)

NOTTINGHAM, 1157. Et si aliquis undecunque sit in burgo de Nottingham manserit anno uno et die una tempore pacis absque calumpnia, nullus postea nisi rex in eum jus habebit².

(And if any from any place remain in the borough of Nottingham for a year and a day in the time of peace without challenge, no one afterwards except the King shall have any right against him.)

NOTTINGHAM, 1189. Line 3. *For rex read ego.*

NOTTINGHAM, 1200.

DERBY, 1204.

HAVERFORDWEST, 1189—1219. Quod homo cujuscunque condicionis sit ibidem habitans per annum et diem absque calumpnia liber sit.

(That a man, of whatever condition he may be, dwelling there for a year and a day without challenge, shall be free.)

¹ Qu. B. C. II 89.

² Qu. B. C. II 89.

Northampton Custumal 1190. Quicunque manserit sine calumpnia domini sui, et ibi fuerit ad focum et locum et scottum et lottum per unum annum et unum diem, debet ibi manere per libertatem burgi. (Whosoever shall dwell there without challenge from his lord, and shall be there at hearth and home and scot and lot for a year and a day, shall there remain according to the liberty of the borough.)

EGREMONT, c. 1202. Item si aliquis extraneus venerit in burgum et sit burgensis per annum et diem sine calumnia alicujus, liber deinceps remanebit, nisi sit de dominico regis.

(Item, if any stranger come into the borough, and be a burgess for a year and a day without challenge from any, he shall remain free thenceforth, unless he be of the King's demesne.)

DUNWICH, 1215. Si vero aliquis natus in prefato burgo manserit et terram in eo tenuerit et fuerit in prefata gilda et hansa et loot et scot cum eisdem burgensibus per unum annum et unum diem, deinceps non possit repeti a domino suo sed in eodem burgo liber permaneat.

(But if any native remain in the aforesaid borough and hold land in it, and be in the gild aforesaid and in hanse and lot and scot with the same burgesses for a year and a day, thenceforward he cannot be recovered by his lord, but shall remain in the same borough a free man.)

HEREFORD, 1215.

Line 1. *After natus insert alicujus.*

3. *For loot read lot.*

(5) Franchise by Royal Grant

HUNTINGDON, 1100—24. Volo et precipio quod soka Sanctae Mariae et canonicorum de Huntendone et duae hydae suae de Normancros Hundred sint ita quietae de communitate et geldis burgi Huntendon sicut comitatus intravit inde in diratiocinamentum adversum burgenses et in burgensibus defecit.

(I will and ordain that the soke of St Mary and the canons of Huntingdon and their two hides of Normancross Hundred shall be as quit of the community and gelds of the borough of Huntingdon, according as the shire made a claim on this account against the burgesses and failed against the burgesses.)

COLCHESTER, 1120—30. Henricus etc. Hamoni de Sancto Claro et burgensibus Colecestriae salutem. Precipio quod dominici servientes Abbatis Colecestriae habeant omnes quietantias suas in omnibus rebus ita bene et in pace et juste de omnibus consuetudinibus et geldis sicut semper hucusque fuerunt.

(Henry to Hamo de St Clare and the burgesses of Colchester greeting. I ordain that the dominical servants of the Abbot of Colchester shall have all their quittances in all things from all customs and gelds as well and peaceably and justly as they have always been hitherto.)

GUILDFORD, 1129—35. Henricus Rex Anglorum Ricardo Basset et Alberico de Ver et vicecomitibus et omnibus burgensibus suis de Geldeford, salutem. Precipio quod homines Gaufridi purcelli hostiarii¹ mei de Chatishall et Chedelingfelt sint ita bene et juste et in pace de theloneo et omni consuetudine sicut fuerunt tempore patris sui.

(Henry, king of the English, to Richard Basset and Aubrey de Vere and his sheriffs and all his burgesses of Guildford, greeting. I order that the men of Geoffrey Purcell, my usher, of Catteshill and Chiddingfold be as well and justly and peaceably quit of toll and all custom as they were in the time of his father.)

GLOUCESTER, 1155—66. Henricus etc. omnibus burgensibus et ministris suis Gloucestriae salutem. Precipio quod abbas et monachi Gloucestriae habeant infra burgum Gloucestriae et extra omnes libertates et liberas consuetudines et quietantias suas ita bene et in pace et libere et integre sicut melius et liberius et integrius habuerunt tempore Regis Henrici avi mei. Quod nisi feceritis justitia mea faciat fieri.

(Henry, to all his burgesses and ministers of Gloucester, greeting. I ordain that the abbot and monks of Gloucester shall have within the borough of Gloucester and without all their liberties and free customs and quitances, as well and peaceably and freely and wholly as they ever best and most freely and most completely had in the time of King Henry my grandfather. And unless you do this, my justice will cause it to be done.)

LINCOLN, 1154—71. Henricus etc. Justiciis et vicecomiti et prepositis et burgensibus Lincolniae salutem. Precipio quod servientes ecclesiae sanctae Mariae de Lincolnia sint ita liberi de omnibus rebus sicut fuerunt tempore regis Henrici avi mei.

(Henry to the justices and sheriff and reeves and burgesses of Lincoln, greeting. I ordain that the servants of the Church of St Mary of Lincoln shall be as free of all things as they were in the time of King Henry my grandfather.)

GUILDFORD, 1155—8. Henricus etc. prepositis et burgensibus suis de Geldeford salutem. Precipio quod burgenses ecclesiae Sarum et Rogeri archidiaconi qui manent in Geldeford habeant et teneant in pace et quiete et honorifice omnes terras et libertates et consuetudines suas sicut melius et liberius tenuerunt et libertates quas habuerunt tempore Henrici avi mei et die qua fuit vivus et mortuus.

(Henry to his reeves and burgesses of Guildford greeting. I order that the burgesses of the church of Sarum and of Roger the archdeacon, who live in

¹ Original reads *hastiarii*. See Round, *King's Serjeants*, 99.

Guildford, shall have and hold peacefully and quietly and honourably all their lands and liberties and customs as they best and most freely held them and the liberties which they had in the time of King Henry my grandfather, and on the day on which he was alive and dead.)

BRIDGEWATER, 1215. (From Charter to Hospital of St John Baptist at Bridgewater.) Confirmamus etiam eisdem hospitali et fratribus quod qui voluerint burgagia capere de terra ejusdem hospitalis habeant eandem libertatem tam infra burgum de Brug' Walteri quam extra burgum, quam burgenses de Brug habent per cartam ejusdem Willelmi (Briwerr).

(We also confirm to the same hospital and brethren that they who wish to take burgages on the land of the same hospital, shall have the same liberty both within the borough of Bridgewater and without, as the burgesses of Bridgewater have by the charter of the said William Briwerr.)

(6) Scot and Lot

HUNTINGDON, 1100—24. Et si quis est hominum de soka¹ sua qui habet estallagium in burgo et sit in communitate burgi; si non reddat ibi consuetudinem estallagii sui quam juste reddere debuerit.

(And if there is any man of their soke who has a stall in the borough he shall also be in the community of the borough; if not, he shall pay there the customs of his stall which he ought justly to pay.)

CANTERBURY, 1104. Henricus Rex Anglorum Haimoni dapifero et Ministris suis salutem. Precipio vobis ut cito faciatis reddi hominibus Sancti Augustini vadimonia illa quae ceperunt Burgenses de Cantuaria super eos propter auxilium. Nolo vero ut servientes Sancti Augustini qui nec emunt nec vendunt nec mercatum ducunt donent hoc auxilium. Unde quicquid propter hoc ab eis captum est totum cito reddatur eis et videte ne amplius inde clamorem audiam. Teste, Waldrico cancellario apud Wincestre in Pascha.

(Henry, king of the English, to Haimo dapifer and his Ministers, greeting. I order you to cause promptly to be restored to the men of St Augustine those pledges which the Burgesses of Canterbury took from them on account of the aid. Moreover, I am unwilling that the servants of St Augustine who neither buy nor sell nor carry on merchandise, shall pay this aid. And therefore, whatever has been taken from them on this account, let the whole be promptly restored to them, and see that I hear no further claim in this respect. Witness, Waldric, the Chancellor at Winchester, at Easter.)

¹ The Soke of St Mary and the Canons of Huntingdon.

BURY ST EDMUNDS, 1121—38. Si quis adquisivit terram in eadem villa quae fuisset de burgali consuetudine, quicumque ille sit, faciet consuetudinem quam illa terra facere consuevit.

(If anyone has acquired land in the town which was of burgage tenure, whoever he may be, he shall pay the customs which that land was wont to pay.)

BURY ST EDMUNDS, 1182—1212.

Line 1. *For* adquisivit *read* adquisierit.

LINCOLN, 1154—63. Henricus etc. Episcopo Lincolniae et Justiciariis et Vicecomitibus et Baronibus Lincolniae et Lincolnshire salutem. Precipio quod omnes illi qui de mercato vivunt et mercatum deducunt infra quattuor divisas quae pertinent Civitati Lincolniae reddant communiter cum Civibus meis Lincolniae gelda mea et assisas Civitatis sicut reddere solent tempore Regis Henrici et sicut juste cum eis esse debent in cujuscumque terra maneat.

(Henry, to the Bishop of Lincoln and his Justices and Sheriffs and Barons of Lincoln and Lincolnshire, greeting. I order that all those who live from the market and trade within the four wards which pertain to the city of Lincoln, shall pay in common with my citizens of Lincoln, my gelds and the assises of the city, as they were wont to pay in the time of King Henry, and as they justly ought to share with them, in whosoever land they dwell.)

LINCOLN, 1157. Et omnes homines qui infra quattuor divisas civitatis manent et mercatum deducunt, sint ad gildas et consuetudines et assisas civitatis sicut melius fuerunt tempore Edwardi et Willelmi et Henrici regum Angliae.

(And that all who dwell within the four wards of the city and carry on trade, shall contribute to the gelds and customs and assises of the city, as they contributed in the time of Edward and William and Henry, kings of England.)

NOTTINGHAM, 1157. Et quicumque in burgo manserit cujuscunque feodi sit reddere debet simul cum burgensibus tallagia et defectus burgi adimplere.

(And whoever dwells in the borough, of whosoever fee he may be, ought to pay tallages along with the burgesses, and make good the deficits of the borough.)

NOTTINGHAM, 1189.

NOTTINGHAM, 1200.

DERBY, 1204.

NORWICH, 1158. Et si aliquis post mortem regis Henrici avi mei in tempore Regis Stephani a consuetudinibus eorum et scottis se foras misit precipio quod ad eorum societatem et consuetudinem

revertatur et scottum ipsorum sequatur quia nullum ex eis inde quietum clamo.

(And if anyone, after the death of King Henry my grandfather in the time of King Stephen, has absconded from their customs and scots, I order that he return to their society and customs, and pay their scot, because I have quit-claimed no one of it.)

DUBLIN, 1192. Concessi autem eis quod neque templarii neque hospitalarii habeant aliquem hominem vel aliquod messagium quietum de communibus consuetudinibus civitatis infra predictas metas nisi unum solum.

(I have granted also to them that neither the Templars nor the Hospitallers shall have any man or any messuage quit of the common customs of the city within the aforesaid bounds, except one only.)

DUBLIN, 1200.

SHREWSBURY, 1205. Quod omnes homines de predicto hundredo qui sunt in scot et lot cum predictis burgensibus nostris infra burgum et extra sint cum eis participes in auxiliis assisis taillagiis et omnibus summonitionibus sicut solebant.

(That all men of the aforesaid hundred who are in scot and lot with our aforesaid burgesses within the borough and without shall share with them in aids assises tallages and all summonses as they were wont to do.)

STAFFORD, 1206. Quod omnes illi qui in libertatibus eorum esse solebant tam infra burgum quam extra de cetero omnes predictas libertates et quietantias cum eis habeant, ita quod participes sint cum eis in auxiliis assisis tallagiis et omnibus summonitionibus sicut solebant.

(That all those who were wont to be in their liberties both within the borough and without, shall for the future have all the aforesaid liberties and quittances with them, and shall share with them in aids assises tallages and all summonses as they were wont to do.)

PERTH, 1165—1214. Precipio etiam ut omnes qui manent in burgo meo de Perth et cum burgensibus meis communicare voluerint ad forum communicent cum illis ad auxilia mea reddenda cujuscunque homines sint.

(I ordain also that all who dwell in my burgh of Perth, and wish to be in community with my burgesses at market, shall be in community with them in paying my aids, whosoever men they may be.)

ABERDEEN, 1214. Line 2. Omit meo.

(7) Remission of Taxes¹

COVENTRY, 1186. Et illi qui in villam venturi sunt, ex illo die quo in villa edificare coeperint, per biennium de omnibus quieti sint.

(And all those who shall come to the town, shall be quit of all things for the space of two years from the day on which they begin to build in the town.)

(8) Lord's Veto on Franchise

CHESTERFIELD, 1213. (To Richard Briwerr.) Ita tamen quod nullus burgensis vel mercator in ea vel in predicto wapentak' vel in soka habeat libertates vel liberas consuetudines nisi per ipsum Ricardum vel per heredes suos nisi illi qui prius ibi libertates habuerunt.

(So that, however, no burgess or merchant in it or in the aforesaid wapentake or soke shall have liberties or free customs, except with the consent of the said Richard, or of his heirs, except those who formerly held these liberties there.)

CHESTERFIELD, 1215. To William Briwerr.

(9) Residence of Burgesses

HELSTON, 1201. Ita quod nullus burgensium predictorum nisi residens fuerit in predicta villa de Helleston has habebit libertates.

(So that none of the aforesaid burgesses shall have these liberties unless he is resident in the aforesaid town of Helston.)

INISTIUGE, after 1206. Est autem constitutio dictorum burgensium talis quod quilibet burgensis post primam seisinam terrae sibi factam in eadem villa residentiam per propriam personam vel per interpositam infra tres septimanas faciat vel imperpetuum tenementum suum amittat.

(There is moreover a custom of the aforesaid burgesses as follows, that every burgess must make his residence in the town either in his own person or by an intermediary within three weeks of his first seisin of his land, or else for ever lose his tenement.)

¹ For remission of rent at Leek see II A 2, p. 50.

(10) Admission of Burgesses

TEWKESBURY (1147—83). Et quod nullus extraneus reciperetur per seneschallum clericum seu per aliquem alium ex parte ipsorum comitum ad essendos infra libertatem predictam nisi testificatum fuerit per legales homines burghi predicti quod esset bonus et fidelis¹.

(And that no stranger should be received by the steward or the clerk or any other on the part of the said Earls to be within the aforesaid liberty, unless legal men of the borough aforesaid shall have borne witness that he was good and faithful.)

RYE, 1189—1219. Et sciendum quod reliquae consuetudines predictae villae a presentibus et futuris eorum heredibus debent jurari successiveque fideliter et integre conservari, sicut carta inter ecclesiam Fiscanniensem et predictos burgenses firmata a tempore Henrici abbatis subsequenter testatur et confirmatur.

(And be it known that the rest of the customs of the aforesaid town ought to be sworn to by the present burgesses and their future heirs successively to be kept faithfully and wholly, as the charter established between the church of Fecamp and the aforesaid burgesses from the time of abbot Henry witnesses and confirms as follows. [Here follows a copy of the Charter of Abbot Henry.])

¹ For sureties of new burgesses see *Tewkesbury* IV B 4.

IV. JURISDICTIONAL PRIVILEGES

A. COURTS

(1) Liberty to Compound Offences

NORHAM, 1153—95. Si quis burgensium percusserit extra cimiterium sine sanguine et ictu apparente emendationes inter se faciant sicut liberi burgenses solent ; ita quod de fractura pacis nihil requiratur pro securitate.

(If any of the burgesses strike another outside the graveyard without bloodshed and visible bruise, they may make amends to one another as free burgesses are wont, so that nothing be required for security for breaking the peace.)

WELLS, 1174—80. Volumus preterea si lis aliqua dampnosa intra ambitum messagii alicui eorum (evenerit) liberam habeat potestatem ut administrationes concordες fiant, justicia nostra nullam exigente inde consuetudinem vel emendationem donec burgenses in justitiam defecerint nisi mortale vulnus vel dampnum corpori perpetuum inflicturn fuerit vel etiam nisi aliquis litigantium justitiæ nostræ querimoniam faciat salva in omnibus justicia regni et dignitate.

(We will moreover that if any dispute sounding in damages shall arise within the bounds of anyone's house, he shall have full power to make mutual agreements, our justice exacting no custom or fine therefrom, unless the burgesses make default in justice, or unless a mortal wound or a lasting bodily hurt was inflicted, or also unless one of the litigants make complaint to our justice, saving in all things the justice and dignity of the kingdom.)

WELLS, 1201.

- Line 1. *For* volumus preterea *read* concedimus itaque ut.
2. *For* alicui *read* alicujus.
For evenerit *read* emerserit.
3. *For* administrationes *read* advicem.
After fiant *add* in curia sua.
For nullam *read* in nulla.
4. *Omit* inde.
6, 7. *Omit* vel *to* faciat.
7. *After* justicia *insert* domini regis et.

WHITBY, 1175—85¹. Et si aliqua querimonia inter burgenses oritur, tribus vicibus unus alium ut sibi rectum et quid juris est faciat apud domum propriam requirere debet. Quod si sibi in tertia petitione satisfacere noluerit, demum justitiam villae rationabiliter ut rectum faciat quaerat.

(And if any quarrel arise between the burgesses, the complainant must three times ask the other at his own house to do what is right and lawful. But if at the third request he refuse to satisfy him, then he may reasonably ask the justice of the town to do him right.)

WHITBY, 1199.

(2) Liberty to hold Pleas

BRADNINCH, 1141—75. Et placita villae per visum ejusdem prepositi et secundum burgensium² meorum considerationes ibidem causent et terminant.

(And they shall try and determine there the pleas of the town under the supervision of the said reeve, and according to the consideration of my burgesses.)

BRADNINCH, 1215—20.

Line 3. *For* causent et terminant *read* transentur (*sic*) et terminantur.

SHREWSBURY, 1205. Quod habeant omnia placita et querelas cum omnibus aliis causis exceptis his quae ad coronam nostram pertinent sicut solebant.

(That they shall have all pleas and complaints with all other causes, excepting those pertaining to our crown as they were wont.)

(3) Sake and Soke³

OXFORD, 1156. Quare volo.....quod habeant et teneant predictas libertates et leges et consuetudines suas et tenuras suas..... cum saca et soca et toll et team et infangenethef.

(Wherefore I will.....that they have and hold their aforesaid liberties and laws and customs and their tenements...with sake and soke and toll and team and infangtheft.)

BEDFORD, 1189.

TRURO, 1166. Sciatis quod concessi liberis burgensibus meis de Triuereu habere omnes liberas consuetudines et urbanas et easdem in omnibus quas habuerunt in tempore Ricardi de Lacy scilicet sacham et socham et tol et them et infangenethef.

(Know ye that I have granted that my free burgesses of Truro shall have all their free and urban customs the same in all things which they had in the time of Richard de Lacy, to wit, sake and soke and toll and team and infangtheft.)

¹ Qu. B. C. 1 89.

² Corr. from *burgorum*.

³ See also Burford p. 17, Maldon p. 39.

HYTHE, 1156. (Sciatis me concessisse.....hominibus meis de Heia.....quietantiam de theloneo.....) cum sacca et socca et tholl et theam et infangenethef.

(Know ye that I have granted to my men of Hythe quittance of toll, with sake and soke and toll and team and infangthef.)

HYTHE, 1205.

DOVER, 1154—89. (Reconstructed.) *For* infangenethef *read* et omnibus consuetudinibus et libertatibus suis.

DOVER, 1201. *As* 1154—89.

DOVER, 1205. *As* 1154—89.

DUNWICH, 1200. (Quod burgus de Dunewyche.....) habeat soccam et saccam et toll et theam et infangenethef.

(That the borough of Dunwich have soke and sake and toll and team and infangthef.)

LYNN, 1204. *Add* et utfangenethef.

YARMOUTH, 1208. *As* Lynn.

DUNWICH, 1215. Concessimus etiam eisdem burgensibus et heredibus eorum soc et sac et thol et theam et infangenethef.

(We have granted also to the same burgesses and their heirs, soke and sake and toll and team and infangthef.)

HEREFORD, 1215.

Line 1. *For* etiam *read* preterea.

2. *After* heredibus *insert* quod habeant.

MARLBOROUGH, 1204. Concessimus etiam quod predictus burgus de Merleberge et burgenses nostri in eo tenentes.....mansiones suas et possessiones habeant et teneant.....cum quietantia de soca et saca et thol et theam et infangenethef et utfangenethef in dominicis nostris.

(We have also granted that the aforesaid borough of Marlborough and our burgesses holding in it have their mansions and possessions, with quittance of soke and sake and toll and team and infangthef and outfangthef in our demesne lands.)

ILCHESTER, 1204. (Recital of lost charter of Henry II that the men of Ilchester had the customs of Winchester) cum soca et saca et tholl et theam et infangenethef.

SHREWSBURY, 1205. Et quod habeant tol et them saccam et soccam et infangenethef infra predictum burgum et hundredum sicut solebant.

(And that they shall have toll and team, sake and soke and infangthef within the aforesaid borough and hundred as they were wont.)

STAFFORD, 1206. Quod burgenses.....habeant burgum illud ad feodi firmam.....cum soca et saca et thol et theam et infangenethef.

(That the burgesses have that borough at fee farm with soke and sake and toll and team and infangthef.)

DROITWICH, 1215. (Grant of borough to burgesses at farm) habendum cum soca et saca et toll et them et infangenethef.

(4) No External Pleas

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si aliquis burgensis de aliqua loquela appelletur, non placitabit extra burgum nisi ex defectu curiae.

(If any burgess be appealed of any complaint, he shall not plead without the borough, except for defect of court.)

LEGES QUATTUOR BURGURUM. Line 1. *Omit* aliquis.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si burgensis calumniatus fuerit non extra burgum placitabitur nisi pro defectu curiae.

(If a burgess be challenged, he shall not be impleaded without the borough, except for defect of court.)

WEARMOUTH, 1162—86¹. Si quis burgensis calumniatus fuerit infra burgum placitet: nisi excessum in alio burgo fecerit, ubi retentus vel per plegium positus fuerit et nisi curia ejusdem burgi de recto defecerit et nisi placitum ad coronam pertinuerit.

(If any burgess be challenged, he shall plead within the borough: unless he committed a fault in another borough, where he was arrested, or put in pledge, and unless the court of the same borough has failed in right, and except the plea pertain to the Crown.)

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Placita quae in burgo surgunt ibidem teneantur et finiantur praeter illa quae sunt coronae regis.

(Pleas which arise in the borough shall there be held, and finished, except those which pertain to the King's crown.)

LEGES QUATTUOR BURGURUM.

Line 2. *For* finiantur *read* determinantur.

For illa *read* ea.

3. *Before* regis *read* domini.

¹ Qu. B. C. I 10.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Loquelae quae in burgo moventur ibidem tractentur, praeter illas quae coronae regis sunt.

(Complaints which are moved in the borough, shall be there dealt with, except those which are of the king's crown.)

WEARMOUTH, 1162—86. *For ibidem read ibi.*

CAMBRIDGE, 1120—31. Et quicumque in ipso burgo forisfecerit, ibidem faciat rectum. Quod si aliquis aliter fecerit, precipio ut sit mihi inde ad rectum coram justitia mea quando precipio inde placitum.

(And whoever incurs a forfeiture in that borough shall there do right. And if any do otherwise, I command that he be at right thereof before my justice when I command that there be plea thereof.)

BURY ST EDMUNDS, 1121—38. Praeterea non debent ire extra villam S. Edmundi ad hundredum nec ad comitatum neque ad ullum placitum ut implacitentur nisi ad suum portmannemot.

(Moreover they ought not to go out of the town of St Edmund to the hundred or to the shire moot, or to any plea that they may be impleaded, but only to their portmannemot.)

BURY ST EDMUNDS, 1182—1212.

LONDON, 1131. Cives non placitabunt extra muros civitatis pro ullo placito.

(The citizens shall not plead outside the walls of the city for any plea.)

LONDON, 1155. Nullus eorum placitet extra muros civitatis Londoniarum de ullo placito praeter placita de tenuris exterioribus exceptis monetariis et ministris meis.

(None of them shall plead outside the walls of the City of London on any plea, except pleas of foreign tenures, and except the minters and my ministers.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

NORTHAMPTON, 1189. Line 2. *For ullo read nullo.*

NORTHAMPTON, 1200. Line 2. *For ullo read aliquo.*

WINCHESTER, 1190. To merchant guild.

WINCHESTER, 1215.

Line 1. *After eorum add qui fuit infra gildam mercatoriam.*

LINCOLN, 1194.

LINCOLN, 1200. Line 2. *For ullo read aliquo.*

NORWICH, 1194.

NORWICH, 1199.

GLOUCESTER, 1200. As Winchester 1190.

IPSWICH, 1200. *Omit* monetariis et.

CAMBRIDGE, 1201.

GRIMSBY, 1201. As Northampton 1200.

LYNN, 1204. *Omit* last five words.

YARMOUTH, 1208. As Lynn 1204.

NEWCASTLE-ON-TYNE, 1216. As Lynn 1204. For merchant guild only.

LEICESTER, 1118—68 (3). Sciatis quod ego omnibus burgensibus meis de Leycestriae et omnibus illis qui in communitate eorum se tenere voluerint, concedo tenere de me libere et quiete ab omnibus consuetudinibus et ab omnibus rebus pertinentibus hundredo et herieto et hoc per constitutos census suos et per incrementum octo librarum. Ita quod neque per placitum neque propter aliquam consuetudinem eant extra Leycestriam sed tantummodo ad coumecherchiam¹ sicut antiquitus constitutum fuit.

(Know ye, that I grant to all my burgesses of Leicester and to all who wish to be in their community, that they shall hold of me free and quit from all customs and from all things pertaining to the hundred and from heriot, and this by their appointed rents and by the increment of eight pounds. So that neither through any plea nor through any custom shall they go out of Leicester, but only to the common churchyard, as was appointed of old.)

TRURO, 1166. Et concessi eis quod non placitent in hundredis nec in comitatibus neque pro aliqua summonitione eant ad placitandum alicubi extra villam de Triureu.

(And I have granted to them that they shall not plead in hundreds nor in shire-moots nor for any summons shall they go to be impleaded anywhere outside the town of Truro.)

OXFORD, 1156. Et extra civitatem Oxenforde non placitent de aliquo unde calumniati sint.

(And they shall not plead outside the city of Oxford for any plea by which they may be challenged.)

WALLINGFORD, 1156. Et si ministri mei vel aliqua iustitia aliquo placito vel occasione calumpniaverit illos, vel in causam ducere voluerit, prohibeo et precipio ne ullo modo respondeant nisi illorum proprio portimoto.

(And if my ministers or any justice shall challenge them by any plea or charge, or wish to drag them into any cause, I forbid, and order that they shall not answer in any manner except in their own portmoot.)

¹ ? 'Communecherchiam,' the common churchyard.

SWANSEA, 1153—84. *Burgensis non debet alibi placitare nisi in hundredo ubi calumpnietur de traditione corporis mei aut oppidi mei.*

(A burgess ought not to plead elsewhere, except in the hundred, where he is accused of treason against my person or my town.)

PEMBROKE, 1154—89. *Saepedicti itaque burgenses mei de nulla querela extra hundredum suum respondeant nisi de illa quae ad coronam regiam pertinet.*

(My oft-mentioned burgesses therefore shall not answer for any quarrel outside their hundred-moot except for that which pertains to the royal crown.)

CARDIFF, 1147—83. *Item burgenses non debent venire ad hundredum extra burgum pro aliqua summonitione.*

(Item the burgesses ought not to go to the hundred without the borough for any summons.)

TEWKESBURY, 1147—83. *Et quod nullus eorum extra burgum predictum per summonicionem aliquam ad hundredum ipsorum comitum honoris Gloucestriae in comitatu predicto ratione burgagiorum suorum predictorum veniret.*

(And that none of them go without the borough aforesaid for any summons to the hundred-moot of the said Earls of the honour of Gloucester in the county aforesaid by reason of any of their burgages aforesaid.)

COVENTRY, 1181—6. *Prohibeo et defendo constabulariis meis ne eos aliqua causa in castellum ad placitum ducant, sed portimot suum libere habeant in quo omnia placita ad me et ad illos pertinentia juste tractentur.*

(I prohibit and forbid my constables from dragging them for any cause into my castle for pleading; but they shall have their portmoot freely, in which all pleas pertaining to me and to them shall be justly dealt with.)

COVENTRY, 1186¹.

Line 1. *Read* et ne constabularii predicti comitis.

2. *Read* portmannemot *for* portimot.

3. *Read* ipsum comitem *for* me.

BRISTOL, 1188. *Quod nullus burgensis de Bristollo placitet extra muros villae de ullo placito praeter placita de exterioribus tenementis quae non pertinent ad hundredum villae.*

(That no burgess of Bristol shall plead without the walls of the town for any plea except pleas of foreign tenements which do not pertain to the hundred-moot of the town.)

DUBLIN, 1192. Line 2. *For* praeter *read* praeterquam.

For placita *read* de placitis.

DUBLIN, 1200. As 1192.

¹ Qu. B. C. II 164.

COLCHESTER, 1189. Quod non placitent de aliquo placito extra muros ejusdem burgi.

(That they shall not plead without the walls of the said borough for any plea.)

BEDFORD, 1189. Et prohibemus ne placitent extra burgum Bedfordiae de ullo unde calumniati sunt.

(And we forbid them to plead without the borough of Bedford for anything for which they shall be challenged.)

KELLS, 1194—1241. Quod nulli homini respondeant de aliqua causa versus illos mota versus hundredum suum nisi propriae personae meae causa pertineat.

(That they shall answer no man concerning any cause moved against them outside the hundred, unless the cause pertains to my own person.)

LOSTWITHIEL, 1190—1200. Et si forte aliquis eorum in placito fuerit coram me vel ballivis meis, in ipsa villa de Lostuuidiel et non alibi respondeant sine causa et moteamento.

(And if by chance any of them shall be in a plea before me or my bailiffs, in the said town of Lostwithiel and not elsewhere shall he answer without suit and motion.)

PONTEFRAC, 1194. Quicumque forisfecerit in burgo predicto ibi attachiatus erit et juri stabit per judicium in curia.

Prefati burgenses non exhibunt de burgo suo pro aliquo placito vel pro aliqua querela nisi tamen pro placitis coronae.

(Whoever shall incur forfeiture in the aforesaid borough, shall be there attached and shall stand his trial.

The aforesaid burgesses shall not go out of their borough for any plea or quarrel except for pleas of the crown.)

LEEDS, 1208. Line 2. *For ibi read ubi.*

Omit et.

4. *For tamen read tantum.*

OKEHAMPTON, 1194—1242. Si placitum spectans ad dominum surget in burgo, in eodem debet terminari.

(If a plea relating to the lord arise within the borough, it ought to be ended in the same.)

HELSTON, 1201¹. Quod non placitent nisi infra burgum suum de rebus vel tenuris pertinentibus ad villam suam, preterquam de placitis ad coronam nostram pertinentibus et placitis de terris forinsecis.

(That they shall not plead except within their borough for any things or tenures pertaining to their town, except pleas pertaining to our crown and pleas of foreign tenures.)

¹ TOTNES, 1205. Line 2. *Omit preterquam...end.*

EGREMONT, c. 1202. Item burgenses non placitabunt pro aliqua re ad me pertinente extra placitum burgi, nisi de foresta mea, et de corona regis.

(Item, the burgesses shall not plead for any matter pertaining to me outside the plea of the borough, except for my forest, or a plea of the crown.)

KILKENNY, 1202—10. Inprimis videlicet quod nullus burgensis trahatur in causa vel respondeat de ullo placito quod perveniat infra metas burgi in castello nec alibi nisi in hundredo villae, exceptis placitis quae sunt de hominibus hospitii mei vel de ballivis meis.

(First, that no burgess shall be impleaded or shall answer in any plea which may arise within the bounds of the borough in my castle nor elsewhere save in the hundred of the town, except pleas which relate to the men of my household or my bailiffs.)

INISTIOGE, after 1206.

Line 3. *For* in castello *read* in curia Prioris.

4. *Omit* exceptis *to end*.

KELLS, after 1210.

Line 1. *Omit* videlicet.

3. *Omit* in castello.

4. *Omit* villae *to end*.

MARLBOROUGH, 1204. Prohibemus ne ponantur in placitum de aliquo tenemento ejusdem burgi nisi in eodem burgo; et hoc fiat secundum legem civitatis nostri Wintoniae.

(We order that they shall not be impleaded concerning any tenement of the said borough except in the same borough; and this shall be done according to the law of our city of Winchester.)

ILCHESTER, 1204. Et quod nullus eorum implacitetur extra muros Ivelchester de aliquibus tenementis suis quae teneant infra muros ipsius villae.

(And that none of them be impleaded without the walls of Ilchester for any of their tenements which they hold within the walls of the said town.)

SHREWSBURY, 1205. Et quod non implacitentur nisi infra burgum suum de terris et tenementis quae tenent in eodem burgo et hundredo.

(And that they be not impleaded except within their borough of their lands and tenements which they hold within the said borough and hundred.)

STAFFORD, 1206. Quod nullus eorum placitet vel implacitetur extra burgum de Staffordia de aliquo tenemento quod teneant infra burgum de Staffordia.

(That none of them plead or be impleaded without the borough of Stafford for any tenement which they may hold within the borough of Stafford.)

FRODSHAM, 1209—28. Et quod pro nullo placito exeant foras de burgo nostro nisi pro placitis ad gladium meum pertinentibus et de omnibus aliis placitis judicabuntur in ipso burgo per prepositum nostrum.

(And that for no plea shall they go out of our borough except for pleas of our sword, and of all other pleas they shall be judged in the same borough by our reeve.)

DUNWICH, 1215. Et quod nusquam placitent nec ad placitum aliquod summoneantur extra burgum suum sed in burgo suo stent juri coram justitia vel ballivis nostris.

(And that they plead nowhere nor be summoned to any plea without the borough, but in their borough stand their law before the justice or our bailiffs.)

EYNSHAM, 1215. Et si aliquis de illa terra tenens¹ forisfecerit, sive de alio conquestus fuerit, super idem tenementum placitum teneatur.

(And if any tenant of that land incur a forfeiture, although he be seised of any other land, the plea shall be held on the same tenement.)

(5) Non-intromittat Clause

BURY ST EDMUNDS, 1102—3. Precipio etiam ut nulla secularis persona aut minister regis in aliquo se intromittat de predicto burgo et hominibus manentibus in eo nisi abbas et conventus et ministri eorum.

(I ordain also that no secular person or minister of the King shall in any way intermeddle with the affairs of the aforesaid borough and the men dwelling in it, but only the abbot and convent and their ministers.)

HEREFORD, 1189. Ita quod nullus vicecomitum nostrorum intromittat aliquid super eos de aliquo placito vel querela aut occasione vel de aliqua re quae ad predictam villam pertineat.

(So that none of our sheriffs intermeddle in any way with them concerning any plea or quarrel or occasion or any matter pertaining to the town aforesaid.)

HEREFORD, 1215.

Line 2. *For* aliquid *read* in aliquo.

3. *For* quae pertineat *read* pertinenti.

Add Sicut carta regis Ricardi fratris nostri quam habent rationabiliter testatur, salvis nobis et heredibus nostris in perpetuum placitis coronae nostrae quae attachiari debent

¹ Corr. from *tentus*.

per eosdem cives nostros usque in adventu justiciariorum nostrorum.

(As the charter of King Richard, our brother, which they have, reasonably witnesses, saving to us and our heirs for ever the pleas of our crown, which ought to be attached by our said citizens until the arrival of our justices.)¹

HUNTINGDON, 1205. Et prohibemus super forisfacturam nostram quod nullus vicecomes aut aliquis alius contra tenorem hujus cartae nostrae de firma predicta de cetero intromittat.

(And we forbid, under pain of our forfeiture, any sheriff or any other from intermeddling with the aforesaid farm contrary to the tenor of this our charter.)

ANDOVER, 1205, May 29. Et prohibemus ne quis vicecomes vel minister ejus de aliquo se intromittat in predicto manerio preterquam de placitis coronae nostrae cum ibidem contigerint, et de districtione facienda cum preceptum inde habuerit, pro debitis nostris cum illa ibidem a retro fuerint.

(And we forbid any sheriff or minister of his from in anywise intermeddling with the aforesaid manor, except concerning the pleas of our crown, when they shall there happen, and concerning the making of distrains, when he has our command in that behalf for our debts, when they are there in arrear.)

NEWCASTLE-ON-TYNE, 1213². Quod in nullo sint respondentes vicecomiti nec constabulario de his quae ad ipsos pertinent.

(That in nothing shall they be answerable to the sheriff or the constable concerning those matters which pertain to themselves.)

¹ TOTNES, 1206. Volumus etiam et concedimus quod nullus vicecomes neque Escaetor aut aliquis alius ballivus noster in aliquo intromittat de re querela vel actione vel aliqua re alia ad predictum burgum pertinente, preterquam de placitis ad coronam nostram spectantia quae tamen per eosdem burgenses attachiari debent usque adventum justiciariorum nostrorum itinerantium in Devon.

(We also will and grant that no sheriff or escheator or any other bailiff of ours shall in any way intermeddle concerning any matter quarrel or action or any other thing pertaining to the aforesaid borough, except as to the pleas to our crown belonging, which nevertheless ought to be attached by our said burgesses until the arrival of our itinerant justices in Devon.)

² This charter relates merely to the fee-farm and to certain escheats.

(6) Freedom from Shire Courts

WALLINGFORD, 1156. (Quod quieti sint) de sheeres et hundredes et sectis shirarum et hundredorum de auxilio vicecomitum et servientium.

(That they be quit of shires and hundreds and suits of shires and hundreds and of sheriffs' aid and serjeants' aid.)

MALDON, 1171.

HYPHE, 1155—8. Et quietantia de sciris et hundredis.

(And quittance of shire and hundred courts.)

HYPHE, 1205.

RYE AND WINCHELSEA, 1191. Quod sint quieti de schyris et hundredis.

(That they shall be quit of shire and hundred courts.)

RYE AND WINCHELSEA, 1205.

PORTSMOUTH, 1194. Quod quieti sint de.....schiris et hundredis et de sectis schirarum et hundredorum et de summonitionibus et auxiliis Vicecomitum et servientium et de placitis et querelis omnibus.....et de wapentachiis.....et de omnibus aliis secularibus exactionibus.

(That they shall be quit of shire and hundred courts and of suits of shires and hundreds and of summonses and aids of sheriffs and serjeants and of all pleas and quarrels and of wapentakes and of all other secular exactions.)

PORTSMOUTH, 1201.

MARLBOROUGH, 1204.

Line 3. *After servientium read eorum.*

4. *After omnibus read exceptis placitis coronae.*

Before et de wapentachiis insert chereset forsterhen...et de briwingable.

DUNWICH, 1200. Et quod nullam sectam faciant comitatus vel hundredorum nisi coram justitiis nostris.

(And that they shall make no suit of county or hundred courts except before our justices.)

LYNN, 1204. *Omit nisi.....nostris.*

Add de tenuris infra burgum.

STAFFORD, 1206. As Lynn; but *add name after burgum.*

YARMOUTH, 1208. As Stafford.

DROITWICH, 1215¹. Et quod quieti sint de sectis comitatus et hundredorum salvis nobis et heredibus nostris placitis coronae nostrae.

(And that they shall be quit of suits to county and hundred courts, saving to us and our heirs the pleas of our crown.)

(7) Reservation of Pleas to Crown²

PORTSMOUTH, 1194. Et prohibemus ne ponantur in placitum de aliquo tenemento ejusdem villae nisi coram nobis.

(And we forbid their being impleaded concerning any tenement of the aforesaid town except before us.)

PORTSMOUTH, 1201. *Add vel capitali justitia nostro.*

(8) Proceedings before Justices in Eyre³

COLCHESTER, 1189. Et ubicunque summoniti fuerint coram justiciariis nostris errantibus licet acquietare eos per quattuor legales homines de ipso burgo.

(And wherever they shall be summoned before our justices in eyre, they may acquit themselves by four lawful men of the same borough.)

DUNWICH, 1200. Et cum summoniti fuerint esse coram justitiis mittant pro se xii legales homines de burgo suo qui sint pro eis omnibus, et si forte amerciari debuerint per sex probos homines de burgo suo et per sex probos homines extra burgum amercientur.

(And when they shall be summoned to be before the justices, they shall send twelve lawful men of their borough for themselves who shall act for all, and if by chance they ought to be fined, they shall be fined by six upright men of their own borough and six upright men without the borough.)

¹ See also Bury St Edmunds p. 116, Leicester p. 117, Truro p. 117.

² See also London, Knights' Guild p. 128.

³ DUNSTABLE, 1112—7. Nunquam coram justitiariis itinerantibus vel aliis domini regis ministris extra villam Dunningstable et libertatem responderunt: sed justitiiarii et ministri domini regis ad Dunningstable divertebant et per sacramentum duodecim burgensium sine associatione alicujus extranei, omnia placita terminabant.

(They have never answered before the justices in eyre or other ministers of our lord the king without the town and liberty of Dunstable: but the justices and other ministers of our lord the king turned aside to Dunstable and by the oath of twelve burgesses without the association of any foreigner, they used to determine all pleas.)

See also Hereford p. 121, Totnes p. 122.

(9) Formation of Sokens

LOSTWITHIEL, 1190—1200. Item si quis saepedictorum burgensium tenentem in jam dicta villa de Lostuuidiel aliquem habeat, curiam de eo libere et plenarie habeat.

(Item, if any of the oft-mentioned burgesses has a tenant in the said town of Lostwithiel, he shall have a court for him freely and fully.)

GRIMSBY, 1207. Sciatis nos concessisse.....abbati et canonicis de Grimesby quod homines eorum manentes in terra quam eisdem canonicis dedimus ad feodi firmam in villa de Grimesby scilicet in triginta et quinque tofts et dimidio tofto et una perticata¹ non sequantur curiam burgensium nostrorum de Grimesby sed propriam curiam predictorum canonicorum nec de aliquo sint respondentes predictae curiae burgensium nostrorum, ita tamen quod cum nos tailliauerimus predictos burgenses nostros de Grimesby prefati homines canonicorum taillientur per se et per justiciarios nostros qui burgenses nostros ad opus nostrum tailliauerint. Volumus et etiam precipimus quod predicti homines canonicorum habeant omnes libertates et liberas consuetudines infra burgum et extra quas predicti burgenses nostri habent, salvis nobis et heredibus nostris omnibus quae ad nos pertinent.

(Know ye that we have granted.....to the Abbot and canons of Grimsby that their men who dwell in the land which we have given to the said canons at fee farm in the town of Grimsby, that is to say, in 35½ tofts and in one perch, shall not be suitors of the court of our burgesses of Grimsby, but shall be suitors of the proper court of the aforesaid canons, nor shall they be in any wise answerable to the said court of our burgesses, provided that when we impose a tallage on our said burgesses of Grimsby the aforesaid men of the canons shall be tallaged by themselves and our justices who shall tallage our burgesses for our use. Moreover, we will and ordain that the aforesaid men of the canons shall have within the borough and without all the liberties and free customs which our said burgesses have, saving to us and our heirs all things which pertain to us.)

YARMOUTH, 1215. Rex ballivis suis de Jernemuth salutem. Sciatis nos concessisse Baronibus² nostris de Hasting quod habeant curiam in villa de Jernemuth de libere tenentibus suis secundum tenorem cartae nostrae quam inde habent. Et ideo vobis mandamus

¹ These tofts and land were granted to the Canons by a charter granted 19th April 1201. (Rot. Chart. 94.)

² For the rights of the Barons of Hastings at Yarmouth see p. 99.

quod super hoc eis nullum inferatis vel inferri permittatis impedimentum vel gravamen.

(The King to his Bailiffs of Yarmouth, greeting. Know ye that we have granted to our Barons of Hastings that they may have a court of their free tenants in the vill of Yarmouth according to the tenor of our charter which they have to that effect. And therefore we order you that in this respect you make no hindrance or charge against them or permit (the same) to be made.)

(10) Soken in London

LONDON (Soken of Chertsey Abbey), 1058—66. Eadward kyng gret Willeme bissope and Suetman mine porterefe and alle þe burhware on Londone freondliche. And ich kuþe you þat ich wille þat Wulfuold abbod at Cherteseye beo his saca wrðe and his socna ofer his hagan land herbinne and ouer his agene men sua ful and sua forð sua hit anige his forðgengen to foren him formest hauede into þan halgan munstre on alle þingen: and ich nelle geþavien þat him eni man fram honde teo anig þare gerihte þes þe mid rihte to habbe ah end hic him geunnen hebbe.

(Edward, King, greets Bishop William and Suetman my portreeve and all the burgesses in London friendly. And I inform you that I will that Wulfwold, Abbot of Chertsey, have sake and soke over his haws therein, and over his own men, as fully as any of his predecessors before him had it, into the holy minster in all things: and I will not suffer that any man take from him any of the rights that he ought to have and that I have given him.)

LONDON (Soken of Chertsey Abbey), 1133. Henricus rex Anglorum Ricardo Basset et Alberico de Ver et vicecomitibus et ministris suis London' salutem. Precipio quod abbas Certeseye teneat socam suam de London in terra et aqua bistronde and bilonde ita bene et in pace sicut ipse vel aliquis antecessorum suorum unquam melius et liberius tenuerunt. Et super hoc prohibeo quod nullus faciat ei inde vel hominibus suis aliquam injuriam vel disturbancem. Teste Willelmo Maledocto apud Burnam.

(Henry, King of the English, to Richard Basset and Aubrey de Vere and his sheriffs and ministers of London, greeting. I order that the Abbot of Chertsey shall hold his soken in London by land and by water, by strand and by land, as well and peacefully as he or any of his predecessors ever best and most freely held it. And I forbid that any do him or his men in this respect any injury or disturbance. Witness William Malduit at Bourne.)

LONDON (Soken of Knights' Guild), 1042—4. Eadward cyng gret Ælfward biscop and Wulfgar minne portgerefa and ealle þa burhware on Lundene freonlice. And ic cyþe eow þæt ic wille

þæt mine men on Ænglisce cnihte gilde beon heora sace and heora socne wurðe binnan burh and butan ofer heora land and ofer heora men. And ic wille þæt heo beon swa godre lage wurðe swa heo wæron on Eadgares dæge cynges ge on mines fæder and swa on Cnudes. And ic wille eac hit mid Gode ge eac mon. And ic nelle gefæfian þæt heom ænig man misbeode ac beon heo ealle gefriðe. And God eow ealle gehealde¹.

LONDON (Soken of Knights' Guild), 1087—1100. Willelmus Rex Angliae Mauricio Episcopo et Gaufrido de Magnavilla et R. Delpare et fidelibus suis Londoniensibus salutem. Sciatis me concessisse hominibus de cnihtenegilda gildam eorum et terram quae ei pertinet cum omnibus consuetudinibus sicut habuerunt tempore Regis Edwardi et patris mei. Teste, Hugone de Bockelanda. Apud Rethyng.

(William, King of England, to Maurice, Bishop (of London), and Geoffrey of Mandeville, and R. Delpare and all his faithful Londoners, greeting. Know ye that I have granted to the men of the Knights' Guild their guild and the land which pertains to it with all its customs as they had it in the time of King Edward, and of my father. Witness Hugh de Buckland at Reading.)

LONDON (Soken of Knights' Guild), 1108—23. Henricus Rex Angliae Ricardo Episcopo Vicecomiti London' et omnibus Baronibus et fidelibus suis Francis et Anglis de London' salutem. Sciatis me concessisse omnibus hominibus de cnihtenegilda gildam eorum et terram quae eis pertinet cum omnibus consuetudinibus sicut melius habuerunt tempore Regis Edwardi et patris mei et sicut frater meus eis concessit per breve et sigillum suum. Et defendo super forisfacturam meam ne aliquis sit ausus eis super hoc injuriam facere.

(Henry, King of England, to Richard, Bishop, and the sheriff of London and all his Barons and faithful subjects of London, French and English, greeting. Know ye that I have granted to all the men of the Knights' Guild, their guild and the land which pertains to them with all their customs as they best had them in the time of King Edward, and of my father, and as my brother granted them by his writ and seal. And I forbid, on pain of my forfeiture, that any dare to do them an injury on this account.)

LONDON (Soken of Knights' Guild), 1107—23. Preterea dedi eisdem canonicis portam de Alegata cum socca ad eam pertinente: et concessi eisdem canonicis quod habeant soccam de Anglica Cnihtenegilda cum terris et omnibus libertatibus suis ad eandem soccam infra civitatem et extra pertinentibus.....Concessi quod homines qui tenent de predictis canonicis tam in civitate Londoniae quam extra non placitent nisi in curia ipsorum canonicorum ubi

¹ For translation see Addenda.

placitare debent; et prohibeo super forisfacturam meam quod non ponentur in placitum de aliquo tenemento suo nisi coram me vel capitali justitia meo.

(Moreover, I have given to the same canons the gate of Alegate with the soken to it belonging: and I have granted to the same canons that they shall have the soken of the English Knights' Guild with its lands and all its liberties to the same soken pertaining within the city and without.....I have also granted that the men who hold of the aforesaid canons, both within the City of London and without, shall not plead except in the court of the same canons where they ought to plead: and I forbid, under pain of my forfeiture, that they be impleaded concerning any tenement of theirs except before me or my chief justice.)

LONDON (Soken of Knights' Guild), 1123—35. Henricus Rex Angliae vicecomiti et Baronibus de London Salutem. Precipio quod Prior et Canonici Sanctae Trinitatis London' teneant homines suos et terram suam de Anglica Cnihtenegilda ita bene et in pace et juste et quiete et honorifice sicut antecessores eorum unquam liberius tenuerunt tempore patris mei et fratris mei et meo et tempore Leofstani et ipsi postea et hucusque melius, et super hoc quieti sint de warda et de forisfactura ejus sicut mea propria elemosina quia inde juste debent esse quieti et sicut tam ipsi quam antecessores eorum semper hucusque inde fuere quieti. Teste Roberto de Ver apud Westmonasterium.

(Henry, King of England, to the sheriff and Barons of London, greeting. I order that the Prior and Canons of the Holy Trinity of London hold their men and their land of the English Knights' Guild as well and peaceably and justly and quietly and honourably as their predecessors most freely ever had them in the time of my father and my brother and myself and of Leofstan, and as they best held them afterwards and to this time, and moreover that they be quit of ward and its forfeiture as my proper alms, because they justly ought to be quit thereof and as both they and their predecessors have hitherto always been quit thereof. Witness Robert de Vere at Westminster.)

1135—54. STEPHEN.

Line 6. *For* patris mei et fratris mei *read* Willelmi Regis avi mei, et Regum Willelmi et Henrici avunculorum meorum.

LONDON (Soken of Knights' Guild), 1124—8¹. Sciatis me concessisse ecclesiae et canonicis Sanctae Trinitatis London' socam de Anglica Cnihtenegilda et terram quae ei pertinet infra burgum et extra, sicut homines ejusdem gildae eis dederunt et concesserunt.

¹ There is another version of this in Calendar Letter Books of City of London, C, p. 221, differing only in line 3. *For* infra burgum et extra *read* et ecclesiam Sancti Botholfi.

Et volo et firmiter precipio quod bene et honorifice et libere teneant cum saca et soca et toll et theam et infangenethef et omnibus consuetudinibus suis sicut homines predictae gildae habuerunt tempore Regis Edwardi et sicut Willelmus pater meus et frater meus eis concesserunt per brevia sua.

(Know ye that I have granted to the church and canons of the Holy Trinity, London, the soken of the English Knights' Guild and the land pertaining to it within the borough and without, as the men of the same guild gave and granted it to them. And I will and firmly ordain that they hold it well and honourably and freely with sake and soke and toll and team and infangthef and all their customs, as the men of the aforesaid guild had it in the time of King Edward and as William my father and my brother granted it to them by their writs.)

1158. Line 5. *After bene add et in pace.*

7. *Before habuerunt insert melius.*

8. *Omit sicut...end and substitute aliorum tempore.*

LONDON (Soken of Earl of Huntingdon), 1175. Sciatis me concessisse et...confirmasse Rogero filio Reinfridi socam illam in Londoniis quam comes Symon de Huntendon' ei rationabiliter dedit quae pertinet ad honorem suam de Huntendon tenendam sibi et heredibus suis de eo et heredibus suis per redditum unius bizantii annuatim pro omni servitio ad Pentecostam sicut carta sua testatur.

(Know ye that I have granted and confirmed to Roger fitz Reinfrid that soken in London which Earl Symon of Huntingdon reasonably gave to him, which soken pertains to his honour of Huntingdon, to hold to him and his heirs of Symon and his heirs by the rent of one bezant annually for all service at Pentecost, as his charter witnesses.)

(11) Privileges of Sokens

LONDON, 1131. Et ecclesiae et barones et cives habeant et teneant bene et in pace socnas suas cum omnibus consuetudinibus, ita quod hospites qui in soccis hospitantur nulli dent consuetudines, nisi illi cujus socca fuerit, vel ministro suo quem ibi posuerit.

(And the churches and barons and citizens shall have and hold well and peacefully their sokens with all customs, so that strangers who lodge in their sokens shall pay custom to no one, except to him who owns the soken or to his minister whom he has placed there.)

COLCHESTER, 1120—35. Henricus Hamoni de Sancto Claro et ministris suis Colecestriae. Precipio quod Sanctus Paulus habeat socam suam¹ et omnes consuetudines et libertates suas in burgo et

¹ According to D. B. the Bishop of London had 14 houses and 4 acres in Colchester (D. B. 1111a).

extra ita bene et plenarie sicut unquam melius et plenarius aliquo tempore habuit. Et homines in ea manentes extra socam Sancti Pauli non placitent nisi prius se de recto defecerit.

(Henry, to Hamo of St Clare and his ministers of Colchester. I order that Saint Paul have his soken and all his customs and liberties, within the borough and without, as well and fully as ever he best and most fully had them at any time. And the men dwelling therein shall not plead outside the soken of St Paul, except he (the saint) first fail in doing right.)

LONDON (Westminster Soken), 1135—54. Stephanus Rex Angliae Andreae Bucca Uncta¹ et civibus Londoniae Salutem. Precipio quod homines qui sunt in soca Sancti Petri sint quieti de husting et fulchesimot ita bene et plene sicut carta eorum testatur quod quieti inde esse debent. Et si quis super hoc quicquam iis clamaret sic inde rectum ubi rectum fuerit.

(Stephen, King of England, to Andrew Bucca Uncta and the citizens of London, greeting. I command that the men of the soken of St Peter (of Westminster) be quit of the husting and folkmoot as well and fully as their charter testifies that they ought to be. And if any man raises a claim against them contrary to this, right shall be done where it ought to be done.)

(12) Grant of Aldermanry at Canterbury

1193—9. Ricardus etc. Sciatis nos concessisse et dedisse et hac presenti carta nostra confirmasse dilecto et fideli Baldewyno de Vernall quicquid ad nos pertinet de Aldermanria de Westgate infra muros civitatis Cantuariæ et extra pro homagio et servicio suo tenendum illi et heredibus suis de nobis et heredibus nostris in perpetuum in feodo et hereditate per servitium inde nobis debitum. Confirmavimus etiam eidem Baldewyno quicquid venerabilis pater Hubertus Cantuariensis Archiepiscopus dedit et concessit eidem Baldewyno de eadem Aldermanria infra predictam civitatem et extra pro homagio et servicio suo tenendum illi et heredibus suis de ipso Archiepiscopo et successoribus suis in perpetuum in feodo et hereditate per servitium ei inde debitum. Quare volumus et firmiter precipimus quod predictus Baldewynus et heredes sui habeant et teneant et possideant predictam Aldermanriam cum omnibus pertinentiis integre libere quiete et pacifice tam id quod ad nos pertinet quam illud quod ad donationem predicti Archiepiscopi pertinet de eadem Aldermanria infra muros et extra per servitium nostrum inde

¹ For Andrew Bucca Uncta, see Round, *Geoffrey de Mandeville*, pp. 305—9.

debitum sicut eam unquam liberius et melius et integrius tenuit Edwardus filius Albodi aliquo tempore vitae suae.

(Know ye that we have given etc. to our beloved and loyal Baldwin of Vernall whatever belongs to us in the Aldermanry of Westgate within the walls of the city of Canterbury and without, for his homage and service, to hold to him and his heirs of us and our heirs for ever in fee and inheritance by the service thence due to us. We have confirmed also to the said Baldwin whatever our Venerable Father, Hubert Archbishop of Canterbury, has given and granted to the aforesaid Baldwin in the same Aldermanry within the said city and without for his homage and service to hold to him and his heirs for ever in fee and inheritance of the said Archbishop and his successors by the service thence due to him. Wherefore we will and firmly enjoin that the aforesaid Baldwin and his heirs shall have and hold and possess the aforesaid Aldermanry with all its appurtenances wholly freely quietly and peacefully, both that which pertains to us and that which pertains to the gift of the aforesaid Archbishop in the said Aldermanry within the walls and without by the service thence due to us, in the freest best and completest manner in which Edward son of Albod ever held it at any time during his life.)

CANTERBURY, 1200. Sciatis nos concessisse et...confirmasse dilecto et fideli nostro Baldwino de Werrevall quicquid bonae memoriae Rex Ricardus frater noster ei dedit et carta sua confirmavit pro homagio et servitio suo de Aldermannria de Westgate infra muros civitatis Cantuariæ et extra tenendum illi et heredibus suis de nobis et heredibus nostris in perpetuum in feodo et hereditate per servitium inde nobis debitum, necnon quicquid venerabilis pater noster Hubertus Cantuariensis Archiepiscopus dedit et concessit tam de aldermannria quam omni eo quod Edwardus filius Albod tenuit in feodo die qua obiit tam in civitate Cantuaria quam extra quod ad feodum ipsum archiepiscopi pertineat sicut cartae predicti Regis Ricardi fratris nostri et ipsius Archiepiscopi rationabiliter testantur¹.

(Know ye that we have granted and confirmed to our beloved and loyal Baldwin de Werrevall whatever our brother King Richard, of happy memory, gave to him and confirmed by his charter, in consideration of his homage and service, of the Aldermanry of Westgate within the walls of the city of Canterbury and without, to hold to him and his heirs of us and our heirs for ever, in fee and inheritance, by the service thence due to us, and also whatever our venerable father, Hubert Archbishop of Canterbury, gave and granted to him both of the said Aldermanry and of all that which Edward the son of Albod held in fee on the day he died, both within the city of Canterbury and without, which pertains to the said fee of the Archbishop, as the charters of the aforesaid King Richard our brother, and of the same Archbishop reasonably witness.)

¹ This is followed by a grant of other property in Canterbury and a 'Volumus clause.'

IV. JURISDICTIONAL PRIVILEGES

B. MODES OF TRIAL

(1) Trial by Battle

NEWCASTLE-ON-TYNE, 1100—35¹ (A-text). Si quis burgensem de re aliqua appellaverit, non potest super burgensem pugnare, sed per legem se defendat burgensis, nisi sit de prodicione, unde debeat se defendere bello.

Nec burgensis contra (villanum) poterit pugnare nisi prius de burgagio exierit.

(If any should appeal a burgess concerning anything, he cannot fight against a burgess, but the burgess must defend himself by his oath, except in a charge of treason, when he must defend himself by battle. Nor could a burgess fight against a villein unless he first quitted his burgage.)

LEGES QUATTUOR BURGORUM.

- Line 1. *After* quis *insert* forinsecus.
- 3. *After* legem *insert* burgi.
Omit burgensis.
After prodicione *add* vel de them.
- 4. *For* debeat *read* debet.
- 5. *For* villanum *read* forinsecum.
- 6. *For* burgagio *read* burgo.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si quis burgensis de loquela unde bellum debet surgere appelletur ab aliquo villano vel rure habitante, per legem quam habet in sua consuetudine se defendat, nisi de scelere tali appelletur, pro quo recte debeat pugnare.

Nec burgensis debet contra villanum pugnare nisi ante calumniam de burgagio exierit.

(If any burgess be appealed of a plea whereon duel ought to issue by any villein or dweller in the country, he shall defend himself by the customary oath, unless he be appealed of a crime for which he ought by law to fight. Nor ought a burgess to fight against a villein unless before the claim is entered, he has quitted his burgage.)

¹ Qu. B. C. i 34

WEARMOUTH, 1162—86¹.

Lines 2 and 4. *Read* appellatur *for* appelletur.

3. *Before* rure *insert* in.

Read civilem *for* quam.....consuetudine.

After civilem *add* scilicet per triginta sex homines nisi².

5. *Read* per duellum se defendere *for* pugnare.

6. *Read* si eum appellaverit *after* villanum.

LONDON, 1131. Et nullus eorum faciat bellum.

(And none of them shall fight a duel.)

LONDON, 1155. Et quod nullus eorum faciat duellum.

(And that none of them shall fight a duel.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

COLCHESTER, 1189.

NORTHAMPTON, 1189.

NORTHAMPTON, 1200.

WINCHESTER, 1190. To Merchant Guild.

WINCHESTER, 1215. To Merchant Guild.

LINCOLN, 1194.

LINCOLN, 1200.

NORWICH, 1194.

NORWICH, 1199.

GLOUCESTER, 1200. To Merchant Guild.

GRIMSBY, 1201.

CAMBRIDGE, 1201.

LYNN, 1204.

MARLBOROUGH, 1204.

YARMOUTH, 1208.

NEWCASTLE-ON-TYNE, 1216. To Merchant Guild.

BRISTOL, 1188. Quod nullus burgensis faciat duellum nisi appellatus fuerit de morte exterioris hominis qui occisus fuerit in villa et qui non fuerit de villa³.

(That no burgess fight a duel unless he is appealed of the death of a foreigner who was killed in the town and did not belong to the town.)

INVERNESS, 1189—92. Quod nunquam inter eos bellum habebunt nec aliquis alius burgensis nec aliquis alius homo de toto regno nostro super eosdem burgenses nostros de Moravia nec super heredes eorum bellum habebunt nisi tantum juramentum.

(That they shall never fight a duel between themselves, nor shall any other

¹ Qu. B. C. 1 34.

² The copy in Surtees Durham 1 297 *adds* de centum libris vel *after* nisi.

³ Qu. B. C. 1 32.

burgess nor any other man of our whole kingdom fight a duel against our burgesses of Moray or their heirs, but they shall have only the oath.)

DUBLIN, 1192. Quod nullus civis faciat duellum in civitate de aliquo appello quod quisquam versus eum facere possit.

(That no citizen fight a duel in the city for any appeal which any can make against him.)

DUBLIN, 1200.

KILKENNY, 1202—10. Item, nullus burgensis mittatur ad duellum de ullo appello quod possit fieri contra eum nisi de morte hominis et latrocinio vel de aliquo placito unde duellum rationabiliter fieri debeat¹.

(No burgess shall be sent to the duel for any appeal that can be made against him, except for homicide and larceny or any other plea whereon duel ought rightly to be made.)

DUNWICH, 1215. Quod licet aliquis eorum appellatus fuerit duellum non faciat nec in burgo suo nec extra burgum suum neque de terra neque de latrocinio neque de feloniam neque de alia re nisi tantum de morte hominis exterioris¹.

(That although any of them be appealed he shall not fight a duel either in his borough or outside it, either in a suit for land or for larceny or for felony or for any other plea, except only the death of a foreigner².)

Line 4. *Morte* is supplied from the corresponding clause in the Bristol charter: the print in the Rotuli Chartarum leaves a blank here.

(2) Preservation of Judicial Customs

LONDON, 1131. Et de terris de quibus ad me clamaverint rectum eis tenebo lege civitatis³.

(And I will do right to them by the law of the city concerning the lands about which they complain to me.)

LONDON, 1155. De terris suis et tenuris quae infra urbem sunt, rectum eis teneatur secundum consuetudinem civitatis.

(Concerning their lands and tenures within the town, right shall be done to them according to the custom of the city.)

¹ Qu. B. C. I 32.

² 'Foreigner' here means, one who is not a fellow-burgess.

³ Qu. B. C. I 231.

LONDON, 1194.
 LONDON, 1199.
 CANTERBURY, 1155—8.
 BRISTOL, 1188.
 DUBLIN, 1192.
 DUBLIN, 1200.
 NORTHAMPTON, 1189.
 NORTHAMPTON, 1200.
 WINCHESTER, 1190.
 WINCHESTER, 1215.
 NORWICH, 1194.
 NORWICH, 1199.
 LINCOLN, 1194.
 LINCOLN, 1200.
 GLOUCESTER, 1200.
 IPSWICH, 1200.

Line 2. *For civitatis read burgi Gipeswic et liberorum burgorum nostrorum.*

GRIMSBY, 1201.

CAMBRIDGE, 1201.

LYNN, 1204. *For civitatis read Oxoniae.*

YARMOUTH, 1208.

NEWCASTLE-ON-TYNE, 1216. *After civitatis add Wintoniae.*

LONDON, 1131. Et si quis civium de placitis coronae implacitatus fuerit per sacramentum quod iudicatum fuerit in civitate se disrationet homo Londoniarum.

(And if any of the citizens shall be impleaded of the pleas of the crown, by the oath which is awarded in the city shall the man of London clear himself.)

COLCHESTER, 1189.

Line 1. *For quis civium read aliquis eorum.*

For placitis coronae read placito coronae nostrae.

2. *Before iudicatum insert ei.*

For civitate read burgo.

3. *Omit homo Londoniarum.*

LONDON, 1155. De placitis ad coronam pertinentibus se possint disrationare secundum antiquam consuetudinem civitatis.

(Of the pleas pertaining to the crown, they shall clear themselves according to the ancient custom of the city.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

NORTHAMPTON, 1189. *For last three words read consuetudinem civium civitatis Londoniae.*

NORTHAMPTON, 1200. As 1189.

WINCHESTER, 1190.

WINCHESTER, 1215.

LINCOLN, 1194. *Add civium Londoniae.*

LINCOLN, 1200. *For last three words read* consuetudinem quam cives civitatis Londoniarum habuerunt tempore regis Henrici patris nostri.

NORWICH, 1194. *Omit antiquam. Add Londoniae.*

NORWICH, 1199.

GLOUCESTER, 1200. *For civitatis read burgi.*

CAMBRIDGE, 1201. *As Gloucester.*

GRIMSBY, 1201. *Omit antiquam and civitatis. Add burgensium Northamptoniae.*

LYNN, 1204. *For last three words read* legem et consuetudinem Oxon.

YARMOUTH, 1208. *As Lynn.*

NEWCASTLE-ON-TYNE, 1216. *Add Wintoniae.*

SANDWICH, 1155—8. Et non placitent nisi ubi debuerint et ubi tunc solebant.

(And they shall not plead except where they ought and were then wont.)

SANDWICH, 1205. *Before debuerint insert* juste placitare.

HYPHE, 1156. Nec alicubi placitent nisi ubi solebant et ubi debuerint scilicet apud Sippeweiam.

(Nor shall they plead except where they were wont, and where they ought, that is, at Shepway.)

HYPHE, 1205.

RYE AND WINCHELSEA, 1191. Et si quis versus eos placitare voluerit nec respondeant neque placitent aliter quam barones de Hastings et de Cinque Portibus placitant, et in tempore Henrici patris nostri placitare solebant.

(And if anyone wishes to plead against them, they shall not answer nor plead otherwise than the barons of Hastings and Cinque Ports plead, and were wont to plead in the time of King Henry, our father.)

RYE AND WINCHELSEA, 1205.

Line 1. *For eos read illos.*

2. *For nec read non.*

For neque read nec.

MARLBOROUGH, 1204. Sed secundum legem Wintoniensem deducantur¹.

(But they shall be brought to trial according to the law of Winchester.)

¹ See also Marlborough IV A 4, p. 120.

ILCHESTER, 1204. Si alicubi arestati fuerint vel vexati contra libertates Wintonienses deducantur et judicentur per cartam predictorum civium Wintonensium.

(If they are arrested or annoyed anywhere contrary to the liberties of Winchester, they shall be brought to trial and judged according to the charter of the aforesaid citizens of Winchester.)

SHREWSBURY, 1205. Et quod burgenses Salopesberiae non placitent nec implacitentur de tenementis quae sunt in predicto burgo vel hundredo per breve de morte antecessoris, sed deducantur per legem ejusdem burgi Salopesberiae sicut solebant.

Et quod terrae et tenementa infra predictum burgum et hundredum tractentur per legem Bretoll' et legem Baronye et legem Anglischerie secundum quod terrae et tenementa solent tractari per predictas leges.

(And that the burgesses of Shrewsbury shall not plead nor be impleaded concerning tenements which are in the aforesaid borough or hundred by the writ of 'Mort d'ancestor,' but shall be brought to trial by the law of the said borough of Shrewsbury as they were wont.

And that the lands and tenements within the aforesaid borough and hundred shall be dealt with according to the law of Breteuil and the law of the barony and the law of Englishry, according to the law by which the lands and tenements are wont to be dealt with.)

STAFFORD, 1206.

Line 1. *Omit* burgenses Salopesberiae.

3. *Omit* vel hundredo.

4. *After* legem *add* et consuetudinem.

Omit Salopesberiae sicut solebant.

Omit lines 5—8.

(3) Wager of Law

SWANSEA, 1153—84. Et si burgensis hac traditione (i.e. corporis mei aut oppidi mei) calumpniatus fuerit, purgabit se sexta manu per jusjurandum nisi in antea inde loqui voluero.

(And if a burgess is accused of this treason (i.e. of my person or my town), he shall purge himself by oath with five others, unless I choose to deal with him beforehand of that matter.)

YORK, 1189—99¹. Quod iidem cives...se defendant ab omnibus appellationibus per juramenta xxxvi hominum civitatis nisi quis appellatus fuerit de corpore regis.

(That the said burgesses shall defend themselves from all appeals by the oath of thirty-six men of the city, unless any is appealed of the body of the king.)

¹ Qu. B. C. 1 39.

INVERNESS, 1189—92. *Preterea concessi eisdem burgensibus meis de Moravia et heredibus eorum ut dimidium juramentum et dimidiam forisfacturam faciant quod ceteri burgenses mei faciunt in toto regno meo.*

(Moreover, I have granted my said burgesses of Moray and their heirs that they shall make half the oath and pay half the forfeiture which my other burgesses do in my whole kingdom.)

DUBLIN, 1192. *Sed purgabit se per sacramentum quadraginta hominum ipsius civitatis qui legales sunt.*

(But he shall purge himself by the oath of forty men of the said city, who are lawful.)

DUBLIN, 1200.

PONTEFRAC¹, 1194. (1) *Si burgensis rectatus fuerit de pare suo de sanguinis effusione vel de ictu et negaverit, jurabit se sexto, si non de sanguine effuso, jurabit se tertio¹.*

(2) *Si alius quam burgensis a burgense de eodem rectatus fuerit, jurabit se duodecimo².*

(3) *Burgensis si de pari sacramentum acceperit nisi de debito, in forisfacto erit: si de altero quam de pari, quietus erit³.*

(4) *Si forinsecus a burgense sacramentum acceperit, in maximo forisfacto erit⁴.*

(5) *Si aliquis burgensis rectatus fuerit de latrocinio ab aliquo nos judicabimus eum in burgo nostro assistente nobiscum servienti domini, faciente unam legem una vice cum xxxta sexta manu⁵.*

(6) *Si alia vice rectatus fuerit vel per duellum vel per aquam legaverit se⁶.*

(1) (If a burgess be accused by his peer of shedding of blood or assault and deny the charge, he shall swear himself the sixth, but if no blood were shed, himself the third.

(2) If one who is not a burgess be accused of the same by a burgess, he shall swear himself the twelfth.

(3) If a burgess put his peer to the oath, except in a plea of debt, he shall be fined: but he shall not be fined if he put one other than a peer to the oath.

(4) If a foreigner put a burgess to the oath, he shall incur the greatest forfeiture.

¹ Qu. B. C. i 172.

² Qu. B. C. i 172.

³ Qu. B. C. i 167.

⁴ Qu. B. C. i 167.

⁵ Qu. B. C. i 40. The 1st person plural of *judicabimus* shows that this clause is copied textually from the Grimsby Custumal on which the Pontefract Charter professes to be founded.

⁶ Qu. B. C. i 36.

(5) If a burgess be accused of larceny by any, we will judge him in our borough with the assistance of the lord's serjeant, by making oath once, himself the thirty-sixth.

(6) But if he be accused a second time, he shall clear himself either by duel or by ordeal of water.)

LEEDS, 1208.

(1) Line 1. *For pare suo read pace sua.*

2. *For vel read sive.*

For sexto read septimo.

(2) Line 1. *For alius quam read aliquis quidem.*

(3) Omitted.

(4) (5) (6) As above.

EGREMONT, c. 1202. Item talis est consuetudo burgensium et omnium viventium secundum legem burgi, si latrocinium alicui predictorum imponitur, purgabit se per triginta sex homines, semel secundo tertio, et postea ejectus erit a communione et omnia catalla sua et domus ejus et omnia quae possidet saisiabuntur in manu domini¹.

(Item, such is the custom of the burgesses and of all who live according to the law of the borough, that if larceny is charged against any of the aforesaid, he shall purge himself by thirty-six men, for the first, the second and the third time, and that afterwards he shall be ejected from their fellowship, and all his chattels and his house and all that he possesses shall be seized into the lord's hands.)

BIDEFORD, 1204—17. And if they will wage law they shall do it with their own hands.

DUNWICH, 1215. Si quis autem, qui de eodem burgo sint, de felonia aliqua vel de morte hominis appellatus fuerit, per sacramentum viginti et quattuor liberorum et legalium hominum vicinorum et parentium suorum se purget².

(If anyone of the said city is appealed of any felony or of the death of a man, he shall purge himself by the oath of twenty-four free and lawful men of his neighbours and kinsmen.)

(4) Trial by Jury³

BRISTOL, 1188. Et quod nulla recognitio fiat in villa.

(That no trial by jury shall be held in the town.)

DUBLIN, 1192 and 1200.

¹ Qu. B. C. I 40, 68.

² See also Wearmouth IV B 1, p. 133.

³ See also Chester 1208—26, I 4, p. 9.

KILKENNY, 1202—10. Liceat etiam eisdem burgensibus meis debita sua per sectam legalium virorum dirationare et probare.

(It shall be lawful for my said burgesses by the suit of lawful men, to deraign and prove their debts.)

INISTIOGE, after 1206.

KELLS, after 1210.

(5) Mainprise

SWANSEA, 1153—84. Et si burgensis forisfecerit et in curia mea ductus fuerit visu vicinorum suorum et nostrum sit rogatus per wagia et plegios tunc placitabit in curia mea, et si per plegios et wagia rogatus fuerit antequam in curiam meam ductus fuerit placitabit in hundredo suo.

(And if a burgess commit a forfeiture and is brought into my court by the view of his own and our neighbours and afterwards bail is sought by gages and pledges, he shall plead in my court, and if bail is sought by gages and pledges before he is brought into my court, then he shall plead in his own hundred.)

TEWKESBURY, 1147—83. Ita quod quilibet burgensis responderet pro manupastu filiis et tenentibus suis, nisi attachiati essent pro transgressionem aliqua ad diem predictum responsuri.

Et si aliquis extraneus reciperetur infra libertatem burgi predicti, inveniret manucaptos quod bene modo et fideliter se portaret predictis comitibus et ballivis suis tractabilisque communitati burgi predicti.

(Provided that every burgess should answer for the mainpast for his children and tenants, unless they should be attached to answer for some transgression at a future day.

And if any stranger should be received within the liberty of the aforesaid borough, he must find sureties that he will bear himself well and faithfully to the aforesaid Earls and their bailiffs, and will be obedient to the community of the aforesaid borough.)

*PONTEFRAC*T, 1194. Quilibet burgensis suum proprium namium plegiabit, nisi rectatus fuerit de corona domini regis vel dimiserit proprium incurrere¹.

(Every burgess shall pledge his own distress, unless he be accused of a plea of the crown of our Lord the King, or unless he should fail to find his own distress.)

LEEDS, 1208.

¹ Quoted B. C. I 19, where, I think, it is wrongly translated; *plegiare* cannot be translated 'replevy'; and if the translation were passed, the proviso which follows would be nonsense.

HAVERFORDWEST, 1189—1219. Item, burgensis captus a ballivo dimittatur per vadia et plegios nisi sit pro morte hominis captus, et per iudicium hundredi deducatur de hoc quod ad hundredum pertinet¹.

(Item, a burgess taken by the bailiff shall be released by gages and pledges, unless he be taken for homicide, and shall be dealt with by the judgment of the hundred concerning that which pertains to the hundred.)

KELLS, after 1210. Si quis burgensium meorum de Kenel. in magnum inciderit forisfactum aut sanguinem intulerit, per sex burgenses plegiatur, quos si invenire non poterit, in castello meo liberam habebit custodiam donec placitum inde fuerit finitum².

(If a burgess incur the great forfeiture (of life or limb) or shed blood, he shall be pledged by six burgesses, whom if he cannot find, he shall have free custody in my castle, till the plea is finished.)

(6) Prohibition of Forced Bail

BRISTOL, 1188. Quod nullus burgensis cogatur replegiare aliquem nisi ipse voluerit quamvis sit super suam terram manens.

(That none of the burgesses be forced to replevy anyone unless he will, although he dwells on his land.)

DUBLIN, 1192.

DUBLIN, 1200.

KILKENNY, 1202—10. Nullus burgensis cogatur plegiare aliquem etiam si de eo tenuerit nisi sponte velit.

(No burgess shall be forced to bail anyone, even if he holds of him, unless he is willing.)

INISTIOGE, after 1206.

KELLS, after 1210. Line 2. *For eo read ipso.*

¹ Qu. B. C. I 22.

² Qu. B. C. I 20, 64.

IV. JURISDICTIONAL PRIVILEGES

C. PROCEDURE

(1) Times for Holding Courts

LONDON, 1131. Et husteng sedeat semel in hebdomada, videlicet die Lunae.

(And the hustings shall sit once in the week, that is, on Monday.)

LONDON, 1155. Et quod hustengus semel tantum in hebdomada teneatur.

(And that the hustings be held once only in the week.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8. Burghimot...in 15 diebus.

NORTHAMPTON, 1189. Husteng.

NORTHAMPTON, 1200. Husteng.

NORWICH, 1194. Husteng.

NORWICH, 1199. Husteng.

LINCOLN, 1194. Burewaremot.

LINCOLN, 1199. Burewaremot.

GRIMSBY, 1201. Husteng.

LYNN, 1204. Husteng.

YARMOUTH, 1208. Husteng.

WHITBY, 1175—85¹. Tresque in anno sint eis placitorum institutiones, prima post Epiphaniam, secunda post Pascha, tertia post festum S. Hyldae. Quod si aliqua querimonia infra predictas institutiones se emergerit, et determinari intra easdem non possit, sine dilatione ad primam institutionem terminetur.

(They shall have three general assemblies for pleas every year, the first after Epiphany, the second after Easter, and the third after the feast of St Hilda. And if any complaint arise between the said assemblies, and it cannot be settled in the interval, it shall be determined without delay at the next assembly.)

WHITBY, 1199.

Line 1. *For tresque read tres etiam.*

3. *For quod read ut.*

5. *Add sicut carta predictorum abbatis et monachorum quam habent rationabiliter testatur.*

¹ Qu. B. C. II 51.

BRISTOL, 1188. Quod hundredum tantum semel teneatur in septimana.

(That the hundred be held once only in the week.)

DUBLIN, 1192.

DUBLIN, 1200.

KILKENNY, 1202—10. *For quod read vero. Omit tantum.*

BIDEFORD, 1204—17. And I have also granted to the aforesaid burgesses of Bideford towards the enlarging of the liberties aforesaid, that they shall do suit to my court from month to month, or for a shorter time upon reasonable warning on Tuesday, and that the portreeve of the town be at the court to shew forth the attachments and complaints belonging to the Lord, as it hath been used and accustomed.

(2) Place of Trial

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si burgensis foris habitantibus [aliquid accomod]averit in burgo, ipse debitor si concedat reddat [debitum, vel] in burgo faciat rectum.

(If a burgess lend within the borough anything to dwellers without the borough, the debtor, if he admit it, shall pay the debt, or come to trial within the borough.)

LEGES QUATTUOR BURGORUM.

Line 2. *For aliquid read de suo.*

3. *For vel read si negaverit.*

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si burgensis villano vel alio aliquid adcreditaverit infra burgum (*cetera desunt*).

WEARMOUTH, 1162—86. Si burgensis aliquid accrediderit villano infra burgum et debitor debitum negaverit, rectum faciat infra burgum, ita tamen ne burgensis villanum per occasionem injuste vexet¹.

(If a burgess lend anything within the borough to a villein, and the debtor deny the debt, he shall come to trial within the borough, but so that the burgess may not unjustly vex the villein by this procedure.)

LONDON, 1131. Et omnes debitores qui civibus debita debent eis reddant vel in Londoniis se disrationent quod non debent¹.

(And all debtors who owe debts to the citizens shall pay them, or prove in London that they do not owe them.)

¹ Qu. B. C. I 127.

LONDON, 1155. Et de omnibus debitis suis quae accommodata fuerint apud Londonias, et de vadimoniis ibidem factis, placita teneantur apud Londonias.

(And of all their debts which are lent in London and of mortgages there made, pleas shall be held at London.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

BRISTOL, 1188.

Line 2. *For* apud Londonias *read* in villa.

Add at end secundum consuetudinem villae.

DUBLIN, 1192.

Line 1. *Omit* omnibus.

Add at end secundum consuetudinem civitatis.

DUBLIN, 1200. As 1194.

NORTHAMPTON, 1189. Line 2. *For* vadimoniis *read* vadiis.

NORTHAMPTON, 1200. As 1189.

WINCHESTER, 1190.

WINCHESTER, 1215.

NORWICH, 1194. As Northampton, 1189.

NORWICH, 1199. As 1194.

LINCOLN, 1194. As Northampton, 1189.

LINCOLN, 1200. As 1194.

GLOUCESTER, 1200.

IPSWICH, 1200.

GRIMSBY, 1201. As Northampton, 1189.

CAMBRIDGE, 1201.

LYNN, 1204. As Northampton, 1189.

STAFFORD, 1206. As Northampton, 1189.

Line 3. *For* apud Londonias *read* ibidem.

YARMOUTH, 1208. As Lynn, 1204.

NEWCASTLE-ON-TYNE, 1216.

COLCHESTER, 1189. Quod illi qui eis debita debent bene et plenarie ea ipsis reddant, vel apud Colecestriam disrationent quod reddere non debeant.

(That their debtors shall well and fully pay their debts to them, or at Colchester prove that they ought not to pay them.)

KILKENNY, 1202—10. Et si forte placitum emergerit de vadimoniis vel de namiis pro debitis captis in hundredo deducatur.

(And if by chance a plea should arise concerning mortgages or distresses taken for debts, it shall be tried in the hundred.)

KILKENNY, 1202—10. *Ipsum autem hundredum in villa teneatur.*

(Moreover, the hundred shall be held in the town.)

KELLS, after 1210. *For ipsum autem read et ipsum.*

MARLBOROUGH, 1204. *Et ubicunque predictis burgensibus debentur debita et in quacunque balliva per ballivum, vel rationabiliter monstrare poterunt, ad solvendum cogantur.*

(And wherever debts are owed to the aforesaid burgesses, and in whatever bailiwick, they shall be forced to pay by the bailiff, or shall reasonably prove [their non-liability]).

SHREWSBURY, 1205. *Et quod de vadiis tam de terris quam aliis rebus infra predictum burgum vel hundredum existentibus et ibi invadiatis placita ibi teneantur.*

(And that pleas shall be there held of pledges both of lands and other things being within the aforesaid borough or hundred and there pledged.)

(3) Who may not sue

SWANSEA, 1153—84. *Non licet alicui de cibo meo et de pane testificare super burgenses.*

(No one of my household shall testify against my burgesses.)

OKEHAMPTON, 1194—1242. *Nemo nisi sit liberae conditionis stabit in lege contra burgenses meos¹.*

(No one, unless he be of free status, shall stand in law against my burgesses.)

(4) Essoins

CARDIFF, 1147—83². *Et si burgensis summonitus fuerit ad hundredum et perrexerit ad suum negotium extra villam vel fuerit presto recedere ita quod habeat unum pedem in strepo et inde habuerit duos vicinos testes, quietus erit.*

(And if a burgess be summoned to the hundred and had gone to his business without the town, or was starting to go, so that he had one foot in the stirrup, and can produce two witnesses to that effect, he shall be free.)

¹ Qu. B. C. 1 170.

² Qu. B. C. 1 90.

TEWKESBURY, 1147—83¹. Et si aliquis burgensis fuerit extra burgum tempore summonitionis curiae predictae et non possit rationabiliter premuniri, non amerciaretur pro defalta.

(And if any burgess were outside the borough at the time of summons for the aforesaid court, and could not reasonably be warned, he should not be amerced for that default.)

PONTEFRACT, 1194¹. Si citatus aliquis in placito nostro dum alibi fuerit in negotio suo, quietus est de diebus sanandis cum redierit.

Nullus burgensis dabit forisfacturam pro prima supersessione, sed pro secunda, nisi diem sanare poterit.

(If any be summoned to our court whilst he is elsewhere on his business, he shall be quit of salving the days, when he returns.

No burgess shall pay forfeiture for the first neglect (of summons) but for the second, unless he can salve the day.)

LEEDS, 1208 (text corrupt).

(5) Default of Appearance

EGREMONT, c. 1202. Si quis burgensis summonitus fuerit rationabiliter per leges suas veniendi ad placita burgi et defecerit, dabit sex denarios mihi et heredibus meis.

(If any burgess be summoned reasonably according to the laws of the borough to come to the pleas of the borough and fail, he shall pay six pence to me and my heirs.)

(6) Miskenning and Faulty Defence

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Nec debet respondere sine die et termino, nisi prius in stultam responsionem inciderit, nisi de rebus quae ad coronam pertinent.

(Nor ought he to answer without a fixed day and term, except in matters relating to the crown, unless he has first made a mistaken defence.)

LEGES QUATTUOR BURGURUM.

Line 3. *For* nisi de rebus *read* exceptis illis.

After coronam *insert* domini regis.

WEARMOUTH, 1162—86.

Line 1. *For* nec debet *read* neque cogatur.

3. *Omit* nisi de...pertinent.

¹ Qu. B. C. I 90.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Nec debet respondere de appellatione sine die et termino nisi prius incidat in stultam responsionem, et nisi de illis quae coronae Regis sunt et nisi coram iusticiis itinerantibus.

(Nor ought he to answer concerning an appeal without a fixed day and term, unless he has first made a mistaken defence, except in matters relating to the crown, and except before the justices in eyre.)

LONDON, 1131. Et amplius non sit miskenninga in hustenge neque in folkesmote neque in aliis placitis in civitate¹.

(And moreover, there shall be no miskenning in the husting nor in the folkmoot nor in any other pleas in the city.)

COLCHESTER, 1189. *Omit in hustenge...end.*

LONDON, 1155. In civitate in nullo placito sit miskenninga.

(In no plea in the city shall there be miskenning.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8.

NORTHAMPTON, 1189.

NORTHAMPTON, 1200.

NORWICH, 1194.

NORWICH, 1199.

LINCOLN, 1194.

LINCOLN, 1200.

GRIMSBY, 1201.

LYNN, 1204.

YARMOUTH, 1208.

BRISTOL, 1188. Et quod in nullo placito possit quis causari per miskenningam².

(And that in no plea shall any be challenged for miskenning.)

DUBLIN, 1192.

DUBLIN, 1200.

PONTEFRACT, 1194. (1) Qui aliquem rectaverit de aliquo delicto in placito coram pretore, quod injuste et absque ratione et in pace illi forisfecerit, et ille negaverit injuriam et non rationem et pacem et quidquid dixerit versus eum, bonum dedit responsum.

(2) Qui negaverit injuriam vel irrationem vel pacem et non fuerit culpatus de aliqua istarum, judicabitur in jura pretoris et per forisfactum recuperabit responsum suum.

¹ Qu. B. C. II 1.

² Qu. B. C. II 2.

(3) Qui nominatim verba in negatione sua negare ceperit et non omnia nominatim negaverit cadit et per forisfactum responsum suum recuperabit.

(4) Quisque burgensium tenetur alteri respondere, sine teste, et non forensi, nisi de facto apparente vel de debito.

(5) Quicumque aliud negaverit vel concesserit quam hoc de quo rectatus fuerit, in forisfacto remanebit¹.

(1) When one man accuses another concerning any offence in a plea before the reeve, that unjustly and unlawfully and in breach of the peace he has done him an injury, if then the defendant should (in general words) deny the wrong and unlaw and the breach of the peace, and whatever may have been said against him, he has given a good answer.

(2) If he deny injury or unlaw or breach of the peace and has not been charged with any of them, he shall be adjudged in the reeve's mercy and shall recover his answer by a forfeit.

(3) When a man begins to deny word by word in his defence, and does not deny all word by word, he fails and shall recover his plea by a forfeit.

(4) Every burgess is bound to answer another burgess, though he have no witness, but not a foreigner (who has no witness), except in cases of apparent misdeed or debt.

(5) If any man denies or confesses anything other than that of which he is accused he shall remain in forfeiture.)

LEEDS, 1208.

(1) Line 2. *Omit* quod.

(2) 1. *Before* negaverit *insert* non.
For irrationem *read* non rationem.
Omit vel pacem.

2. *For* culpatus *read* inculpat.
For jura *read* misericordia.

(4) 2. *After* debito *add* burgensis si de pari quietus erit.

EGREMONT, c. 1202. Item si burgensis ceciderit in placito pro defectu responsi dabit quattuor denarios domino de forisfacto et recuperabit placitum suum.

(Item, if any burgess fail in a plea for default of defence, he shall pay four pence to the lord as forfeit, and recover his plea.)

KILKENNY, 1202—10. Nullus burgensis trahatur in causa per miskeninge.

(No burgess shall be dragged into any cause by faulty pleading.)

Item, licet omni burgensi placitare sine motacione.

(Every burgess may plead without using particular formulae.)

INISTIOGE, after 1206. Line 3. *For* licet *read* liceat.

KELLS, after 1210. As Inistioge.

¹ Qu. B. C. I 162.

(7) Entry of Judgment¹

¹ FORDWICH, 1186. Hec est finalis concordia facta In curia Domini Regis apud Merleberg Anno xxx^o ii^o Regni Regis Henrici Secundi Die Martis proxima post festum Sancti Andree coram Rannulfum de Glanvill et Robertum de Wirecestre et Michaellem Belet et aliis fidelibus domini Regis ibi tunc presentibus Inter Rogerum Abbatem Sancti Augustini Cantuariensis et homines suos de hundredo suo de Forwich Scilicet quod predicti homines sui de Forwich juraverint super quattuor evangelia in Hundredo de Forwich quod amodo facient predicto Abbati et successoribus suis et conventui ejusdem ecclesie in perpetuum totum servicium et omnes consuetudines quas ipsi et antecessores sui fecerunt unquam melius et plenarius ipsi Abbati vel antecessoribus suis Et de omnibus querelis quae eveniunt in predicto hundredo de Forwich postquam ventum fuerit ad iudicium fiet iudicium in hundredo de Forwich infra quadraginta dies ; et si infra illum terminum non fuerit iudicium factum in Hundredo de Forwich, Loquela illa unde fieri debet iudicium in predicto hundredo presentabitur et recordabitur per sex homines vel plures de hundredo de Forwich in curia predicti Abbatis apud Cantuariam et ibi iudicio ejusdem curiae terminabitur, et homines per quos loquela illa presentabitur et recordabitur post recordationem a curia libere et sine occasione si voluerint recedant.

(This is the final concord in the Court of our Lord the King at Marlborough in the 32nd year of the reign of King Henry II on the Tuesday next after the feast of St Andrew before Ralph de Glanvill and Robert of Worcester and Michael Belet and other faithful subjects of Our Lord the King there present Between Roger Abbot of St Augustine of Canterbury and his men of his hundred of Fordwich That is to say, that his men of Fordwich have sworn on the four Gospels in the Hundred Court of Fordwich that henceforth they will do to the Abbot aforesaid and his successors and to the convent of the same church for ever all the service and customs which they and their predecessors ever best and most fully did to the same Abbot or his predecessors. And concerning all quarrels which arise in the aforesaid hundred of Fordwich, after it is come to judgment, judgment shall be given in the hundred court of Fordwich within 40 days ; and if within that term judgment shall not be given in the hundred of Fordwich, then that complaint whence judgment ought to be given in the aforesaid hundred shall be presented and recorded by six or more men of the hundred of Fordwich in the Court of the aforesaid Abbot at Canterbury, and there by the judgment of that court it shall be determined, and the men by whom that complaint shall be presented and recorded, after its record in court, shall return freely and without hindrance if they wish *.)

* Although not a charter, this fine is inserted as exemplifying the method in which judgment was to be given, and the exercise of authority by a superior court. See *Select Pleas in Manorial Courts*, Introduction. Compare the record of the settlement of a dispute between St Augustine's Abbey and the men of Thanet. Charters in B. M. No. 51.

IV. JURISDICTIONAL PRIVILEGES

D. PUNISHMENTS

(1) Freedom from Murder Fine¹

LONDON, 1131. Sint quieti de schot et de loth de Danegeldo et de mурdro.

(They shall be quit of scot and lot, of Danegeld and the murder-fine.)

COLCHESTER, 1189.

LONDON, 1155. Concessi etiam eis quietanciam mурdri infra urbem et Portsoka.

(I have also granted them quittance of the murder-fine within the city and portsoken.)

LONDON, 1194.

LONDON, 1199.

CANTERBURY, 1155—8. *Including* portsoka.

NORTHAMPTON, 1189. *Including* portsoka.

NORTHAMPTON, 1200. *Including* portsoka.

NORWICH, 1194. *After* mурdri *add* et gawitam.

NORWICH, 1199. *As* 1194.

GRIMSBY, 1201. *Including* portsoka.

LINCOLN, 1194. *Including* portsoka.

LINCOLN, 1200. *Including* portsoka.

LYNN, 1204. *Omit* portsoka.

YARMOUTH, 1208. *Omit* portsoka.

WALLINGFORD, 1156. (Quod quieti sint) de geldis et Danegeldis de hidagio et Blodewite et Bredewite et de mурdredis et de variis ad mурdredum pertinentibus.

(They shall be quit of geld and Danegeld, of hidage and bloodwite, and Breadwite, and of the murder-fine and of other matters relating to murder.)

MALDON, 1171. Quod ipsi sint quieti de mурdro de Danegeldis de hidagio.

(That they shall be quit of the murder-fine and Danegeld and hidage.)

BRISTOL, 1188. Quod sint quieti de mурdro infra metas villae.

(That they shall be quit of the murder-fine within the bounds of the town.)

DUBLIN, 1192.

DUBLIN, 1200.

¹ For Dunwich see p. 189.

PORTSMOUTH, 1194. Quod quieti sint et liberi de blodwita et de fichwyta et leirewyta.

(That they shall be quit and free of bloodwite and fightwite and leirwite.)

PORTSMOUTH, 1200.

KILKENNY, 1202—10. Nullum autem homicidium infra metas villae factum in murdrum reputetur.

(No homicide within the bounds of the town shall be considered as murder.)

MARLBOROUGH, 1204. Et quieti sint de mурdro et blodwite et fichwite, leerwyte, chereset, fosterhen, et de scotele et de emptione viduarum et de briwingable.

(That they shall be quit of the murder-fine and bloodwite, and fightwite and leirwite, of churchshot and foster-hen and of scotale and sale of widows and brewing gafol.)

(2) Freedom from Arbitrary Fines

LONDON, 1131. Et homo Londoniarum non judicetur in misericordia pecuniae nisi ad suam were, scilicet ad c solidos, dico de placito quod ad pecuniam pertineat.

(And a man of London shall not be judged in a money amercement except to the amount of his were, that is, to (the amount of) 100 shillings, I speak of a plea relating to money.)

COLCHESTER, 1189.

Line 1. *For* homo Lond. non *read* nullus Burgensium.

2. *After* scilicet *omit* ad.

Omit dico *to end*.

Add at end in hundredo suo vel quolibet alio placito infra muros burgi, et de illa misericordia sit afferatus juramento prefatorum burgensium.

(In their hundred or in any other plea within the walls of the borough, and of that amercement the amount shall be assessed by the oath of the aforesaid burgesses.)

LONDON, 1155. Nullus de misericordia pecuniae judicetur nisi secundum legem civitatis quam habuerunt tempore Henrici regis avi mei.

(None shall be judged on a money amercement except according to the law of the city, which they had in the time of King Henry my grandfather.)

LONDON, 1194. Line 3. *For* mei *read* Henrici patris mei.

LONDON, 1199. As 1194.

CANTERBURY, 1155—8. Et nullus de misericordia pecunie judicetur nisi sicut tempore regis Henrici avi mei judicaretur.

(And none shall be judged in a money amercement except as judgment was given in the time of King Henry my grandfather.)

BRISTOL, 1188. Nullus judicetur de misericordia pecunie nisi secundum legem hundredi scilicet per forisfacturam quadraginta solidorum.

(None shall be judged of an amercement of money except according to the law of the hundred, that is to say, by a forfeiture of forty shillings.)

DUBLIN, 1192. *Add* unde is qui in misericordia ceciderit quietus erit de medietate et aliam medietatem dabit in misericordiam exceptis tribus misericordiis scilicet de pane et cervisia et vigilia quae misericordiae sunt de duobus solidis et sex denariis unde medietas condonabitur et alia medietas reddetur in misericordiam.

(Of which he who has fallen into the amercement shall be quit of one moiety, but shall pay the other moiety as an amercement, excepting three amercements, that is, for bread, beer and watch, which amercements are two shillings and six pence, of which one moiety shall be pardoned, and the other moiety shall be paid as an amercement.)

DUBLIN, 1200. As 1192. Line 1. *For* ceciderit *read* incidit.

WINCHESTER, 1190. Nullus de misericordia pecunie judicetur nisi secundum antiquam legem civitatis quam habuerunt tempore antecessorum nostrorum.

(None shall be judged of an amercement of money except according to the ancient law of the city which they had in the time of our ancestors.)

WINCHESTER, 1215.

Line 2. *Before* civitatis *insert* ejusdem.

For tempore *read* temporibus.

GLOUCESTER, 1200.

CAMBRIDGE, 1201.

NEWCASTLE-ON-TYNE, 1216. *After* civitatis *add* Wintoniae.

NORTHAMPTON, 1189. Nullus de misericordia pecunie judicetur nisi secundum legem quam habent cives nostri Londoniarum.

(None shall be judged of an amercement of money except according to the law which our citizens of London have.)

NORTHAMPTON, 1200.

Line 2. *For* habent *read* habuerunt.

Add tempore Henrici Regis patris nostri.

LINCOLN, 1194. As Northampton, 1189.

LINCOLN, 1200. As Northampton, 1200.

NORWICH, 1194. As Northampton, 1189.

NORWICH, 1199. As Northampton, 1189.

IPSWICH, 1200. *For quam to end read liberorum burgorum nostrorum.*
 GRIMSBY, 1201. *For legem to end read leges quas habuerunt burgenses nostri Norhantoniae tempore Henrici Regis patris nostri.*

(3) Limitation of Fines

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si forisfactum contigerit burgensi, dabit vi oras [preposito].

(If any forfeiture is imposed on a burgess, he shall pay six ounces to the reeve.)

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Forisfactum burgensis erga prepositum debet esse (sex) ore¹.

(The forfeiture of the burgesses to the reeve ought to be six ounces.)

WEARMOUTH, 1162—86. Forisfactum burgensium erga prepositum est de vi oris.

(The forfeiture of the burgesses to the reeve is six ounces.)

PEMBROKE, 1154—89. Forisfactum eorundem in hundredo et comitatu xii d. sit.

(Their forfeiture in the hundred and shire-moots shall be twelve pence.)

WALLINGFORD, 1156. Et si aliquo forisfacto vel recto iudicio aliquis eorum forisfactus fuerit, per rectam considerationem burgensium erga prepositum illud emendet.

(And if any of them has incurred a forfeiture by any misdeed or judgment, he shall make amends to the reeve according to the decision of the burgesses.)

SWANSEA, 1153—84. Qui effuderit sanguinem a nona die sabbati usque ad manem die Lunae xl solidos de forisfacto; et a mane diei Lunae usque ad nonam sabbati xii denarios de forisfacto excepto assaltu meditato et forestallo.

(He who sheds blood from noon on Saturday till Monday morning shall pay forty shillings as forfeiture: and from Monday morning till Saturday noon, he shall pay twelve pence as forfeiture, except for premeditated assault, and forestel.)

COVENTRY, 1181—6. Si forte aliquis in misericordiam meam inciderit mulctus sit rationabiliter per ballivum meum et fideles burgenses curiae.

(If any incur an amercement to me, he shall be reasonably fined by my bailiff and the faithful burgesses of the court.)

¹ The editor of the *Percy Cartulary* thinks that 'sex' has dropped out of the MS. Brand reads 'commune.'

COVENTRY, 1186. Et si forte aliquis in forisfacturam comitis inciderit pro xii denariis quietus sit.

Si vero xii nummos testimonio vicinorum suorum dare non poterit eorundem consideratione ita admensuretur quod persolvere valeat.

(And if perchance any incur a forfeiture to the earl, he shall be quit for twelve pence ; but if by the testimony of his neighbours he cannot pay twelve pence, by their consideration the forfeiture shall be so assessed that he can pay.)

PONTEFRAC^T, 1194. Forisfactum burgensis finietur per duodecim legales homines ad hoc electos si pretor aliquem gravare voluerit.

(The forfeiture of the burgess shall be defined by twelve lawful men elected for this purpose, if the reeve wishes to punish any.)

LEEDS, 1208.

OKEHAMPTON, 1194—1242. Si aliquis de burgo forisfecerit de misericordia¹ domini, quietus sit pro duodecim denariis : si solitus fuerit iudicio et consilio burgensium et seneschalli mei secundum quantitatem delicti castigetur.

(If any man of the borough shall forfeit an amercement to the Lord, he shall be quit for twelve pence ; but if he be a frequent offender, he shall be chastised by the judgment and advice of the burgesses and my steward according to the gravity of his offence.)

LOSTWITHIEL, 1190—1200. Et si in amendam ceciderit, per sex denarios quietus sit.

Et si de sanguine et plaga convictus fuerit, triginta denarios vadiet, et per gratiam meam vel ballivorum misericorditer reddat.

(And if he incur a fine, he shall be quit for 6*d*.)

And if he be convicted of bloodshed or blows, he shall pay 30*d*., and by my favour or that of my bailiffs, somewhat shall be mercifully remitted to him.)

HAVERFORDWEST, 1189—1219. Item, misericordia eorum non excedat duodecim denarios de aliqua loquela quae ad hundredum pertinet.

(Also, their fine shall not exceed twelve pence in any plea which pertains to the hundred.)

Item, si equus inventus fuerit in prato domini, detur nummus pro eo de misericordia.

(Also, if a horse be found in the demesne meadow, let a penny be paid for it as fine.)

¹ *Misericordia*, correction of *manerio*.

EGREMONT, c. 1202. Item, si convicium apertum dixerit aliquis burgensis vicino suo dabit domino tres solidos pro forisfacto, si ipse convictus fuerit inde.

Et si quis percusserit vicinum suum sine sanguine tracto, dabit domino pro forisfacto tres solidos si inde convictus fuerit.

Si quis traxerit sanguinem de vicino suo dabit domino sex solidos pro forisfacto si inde convictus fuerit.

Et si quis traxerit sanguinem de vicino suo cum armis, dabit domino pro forisfacto octodecim solidos si convictus inde fuerit.

Item, si uxor burgensis dixerit aliquod convicium vicinae suae et illa inde convicta fuerit, dabit domino pro forisfacto quattuor denarios, et si illam altera poterit non convincere, similiter dabit domino pro forisfacto quattuor denarios.

(If any burgess utter a public insult to his neighbour, he shall pay to the lord 3s. for a forfeiture, if he be convicted thereof.

And if any strike his neighbour without drawing blood, he shall pay to the lord 3s. for a forfeiture, if he be convicted thereof.

And if any draw blood from his neighbour, he shall pay to the lord 6s. for a forfeiture, if he be convicted thereof.

And if any draw blood from his neighbour by weapons, he shall pay to the lord 18s. for a forfeiture if he be convicted thereof.

And if the wife of any burgess utter any insult to her (female) neighbour, and is convicted thereof, she shall pay to the lord 4d. for a forfeiture, but if the complainant cannot convict her, the complainant shall likewise pay to the lord 4d. for a forfeiture.)

KILKENNY, 1202—10. Item, nullus burgensis mittatur in misericordiam pecuniae nisi per considerationem hundredi et illa misericordia etiam in majoribus placitis decem solidos non excedat quorum medietas condonabitur et alia medietas in misericordia reddetur.

In minoribus autem placitis ut sunt de pane et cervisia et vigilia et hujusmodi misericordia duos solidos non excedat quorum medietas similiter condonabitur et alia medietas in misericordia reddetur.

Si autem aliquis pro pane vel cervisia vel alio simili forisfacto in misericordia inciderit, prima vice duos solidos misericordia non excedat quorum medietas sicut ut predictum est condonabitur et alia medietas in misericordia reddetur.

Quod si secundo in idem forisfactum ceciderit duos solidos pacabit; si autem tertio in idem inciderit iudicium sustinebit vel dimidiam marcā pacabit.

(No burgess shall be fined except by the consideration of the hundred, and

that fine even in the greater pleas shall not exceed ten shillings, of which one moiety shall be pardoned and the other moiety shall be paid as fine.

In lesser pleas, however, such as pleas of bread beer and watch and pleas of this kind, the fine shall not exceed two shillings, of which one moiety shall be pardoned and the other moiety shall be paid as fine.

Moreover, if any burgess incur a penalty for bread or beer or any other like forfeiture, the first time the fine shall not exceed two shillings, of which a moiety as is aforesaid shall be pardoned and the other moiety shall be paid as fine.

But if he incur the same forfeiture a second time, he shall pay two shillings; if a third time, he shall suffer the judgment or pay half a mark.)

KELLS, after 1210.

Line 2, 3. *Omit pecuniae and etiam.*

6. *Omit autem and et (cervisia). Before de pane insert placita.*

7, 13. *For duos solidos read duodecim denarios.*

9—12. *Omit.*

13. *For ceciderit read inciderit.*

14. *Omit autem.*

For dimidium marcam read quinque solidos.

BIDEFORD, 1204—17. And if it shall happen that any one of the aforesaid burgesses shall make default or offend in anything in my court, they shall for sixpence be clearly discharged thereof.

INISTIOGE, after 1206. Nullus burgensis mittatur in misericordia pecuniae nisi per considerationem hundredi. Et si iidem burgenses in misericordia ceciderint wagiabunt nobis duodecim denarios quorum sex nobis dabuntur et sex reliqui illis condonabuntur, absque plaga et effusione sanguinis, nisi forte aliquis eorum talis sit quod ad delinquendum consuetus sit.

(No burgess shall be fined except by the consideration of the hundred.

And if the said burgesses incur a fine, they shall pay us twelve pence, of which six shall be given to us, and the other six shall be pardoned, except for blows and bloodshed, unless by chance any of them be a persistent offender.)

FRODSHAM, 1209—28. Et si aliquis eorum inciderit in manum meam pro aliquo forisfacto inter eos iudicato, quietus erit de illo per xii denariorum forisfactum¹ a nona diei Sabbati usque ad horam primam diei Lunae de qua scilicet forisfactum contingit (1x solidi et obolus aureus).

(And if any of them fall into my hands for any forfeiture adjudged between them, he shall be quit for a forfeiture of 12*d.*, except from noon on Saturday till the first hour on Monday, when he shall incur the greater forfeiture, i.e. 6*s.* and a golden obol.)

¹ Some words are missing here: probably *nisi sit*: see Swansea, p. 153.

LEEK, 1209—28. Et quod quieti erunt de omni amerciamento quae ad predictam villam pertinet pro duodecim denariis.

(And that they shall be quit of every amercement pertaining to the afore-said town for twelve pence.)

CORBRIDGE, after 1212. Item concessit quod si aliquis burgensis in forisfactum ceciderit, quattuor discreti et legales burgenses, qui ad hoc electi fuerunt, cum seneschallo vel ballivo amerciamento intererunt qui sacramento prestito fideliter amerciandi, delinquentem secundum quantitatem delicti et possibilitatem delinquentis amerciant, jus dicti domini Johannis maliciose non impediens nec aliquem maliciose vexantes.

(He also granted that if any burgess incurred a forfeiture, four discreet and lawful burgesses who were elected for this purpose shall assist the steward or the bailiff in fixing the fine, and having taken an oath to fine faithfully, shall amerce the defendant according to the nature of the offence and to his means, and shall not maliciously hinder the rights of the said Lord John, nor vex any maliciously.)

EYNSHAM, 1215. Et si per judicium in misericordia ponatur, per visum parium suorum nobis emendabit transgressum suum secundum modum delicti, ita tamen quod misericordia x solidos non excedat.

(And if any by judgment becomes subject to an amercement, he shall make amends to us for his transgression under the view of his peers according to the measure of his fault, so that the amercement does not exceed 10s.)

BRADNINCH, 1215—20. Item dedi et concessi eis quod si aliquis illorum in misericordiam meam casu rationabili aliquo inciderit, per sex denarios sit quietus de misericordia.

(Item, I have given and granted them that if any of them fall into my mercy by any reasonable chance, he shall be quit of my amercement for six pence.)

(4) Assize of Bread and Beer

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si femina sit in suo forisfacto de pane vel de cervisia nullus debet intromittere nisi prepositus. Si bis forisfecerit castigetur per...forisfactum; si tertio forisfecerit, justitia de ea fiat.

(If any woman incur a forfeiture concerning bread or beer, none shall meddle therewith but the reeve. If she offend twice she shall be punished by the forfeiture: if she offend a third time justice shall take its course.)

LEGES QUATTUOR BURGORUM.

Line 1. *For femina read aliquis vel aliqua.*

2. *Omit suo.*

3. *Before castigetur insert bis.*

After forisfactum insert suum.

4. *Before de ea insert de eo vel.*

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si quis de pane vel cervisia vendita in forisfactum ceciderit erga prepositum, prepositus sic se intromittat; si bis forisfecerit det forisfactum; si ter forisfecerit, communi consilio burgensium puniatur.

(If any incur a forfeiture to the reeve concerning the sale of bread or beer the reeve shall intermeddle therein. If she offend twice, she shall pay the forfeiture; if she offend a third time she shall be punished by the common advice of the burgesses.)

WEARMOUTH, 1162—86.

Line 2. *Read vendicicia for vendita.*

Read forisfacturam for forisfactum.

3. *Read solus for sic.*

Read forisfacturam suam for forisfactum.

Read autem tertio for ter.

4. *Read consideratione for consilio.*

Read fiat de illo vel de illa justitia for puniatur.

TEWKESBURY, 1147—83. Et quod omnes burgenses qui burgagia vel dimidium burgagium tenerent et qui panem vel cervisiam venderent venirent semel ad le laweday annuatim ad la Hokeday et ibi amerciati essent pro assisa fracta si amerciatiuri essent per presentationem duodecim.

(And that all the burgesses who held burgages or half-burgages, and sold bread or beer, should come once a year to the lawday at Hokeday and should be there fined for breach of assise, if they ought to be fined, by the presentation of twelve jurors.)

WALSALL, after 1198. Quod si quis eorum ceciderit¹ in misericordia nostra pro assisa panis vel cervisie fracta ter, non dabit pro qualibet misericordia nisi sex denarios, et si quarta vice ceciderit² faciet assisam regis.

(If any of them incur a forfeiture to us three times for a breach of the assise of bread or beer, he shall pay for an amercement only six pence: and if he offend a fourth time, he shall pay the King's assise.)

¹ MS. ceciderit.

² MS. cesiderit.

EGREMONT, c. 1202. Item assessum panis et cervisie debet fieri per duodecim burgenses villae, et si quis statutum eorum transgressus fuerit, dabit domino duodecim denarios si inde convictus fuerit.

(Item the assize of bread and beer ought to be made by twelve burgesses of the town, and if any break their assize, he shall give to the lord twelve pence, if he be convicted of it.)

WINCHESTER, 1203. Rex etc. Sciatis nos communi consilio baronum nostrorum constituisse quod albus panis factus in civitate nostra Wintoniae sit ponderis xxx solidorum, niger vero panis ponderis sexaginta quinque solidorum. Constituimus etiam quod unusquisque pistor sigillum suum pani suo apponat: etiam habeat de lucro de unoquoque quarterio iiii denarios vel tres et brenn. Assignavimus etiam Petrum Clotarium et Johannem fratrem et Ricardum filium Edgari et Osbernum de Burin custodes illius assisae. Quare volumus et firmiter precipimus quod haec constitutio firmiter teneatur.

(Know ye that by the common advice of our barons we have determined that white bread made in our city of Winchester shall be of the weight of thirty shillings, but black bread shall be of the weight of sixty-five shillings. We have determined also that every baker shall place his own seal upon his bread: also, he shall have as profit from every quarter, four pence or three pence and the bran. We have also nominated Peter Clotarius (and others) to be the wardens of this assize. Wherefore we will and firmly enjoin that this assize shall be firmly observed.)

SHREWSBURY, 1205. Et quod assisae de victualibus factae et constitutae per probos homines predicti burgi et per ballivos nostros teneantur et conserventur super forisfacturam nostram.

(And that the assizes of victuals made and determined by the upright men of the aforesaid borough and by our bailiffs shall be kept and observed on penalty of forfeiture to us.)

KILKENNY, 1202—10. Volo etiam quod nulla assisa victualium fiat in burgo nisi per communionem burgensium et ballivorum meorum considerationem.

(I will that no assize of victuals be made in the borough except by the common assent of the burgesses and the consideration of my bailiffs.)

INISTIOGE, after 1206.

KELLS, after 1210. Line 1. *Omit etiam and victualium.*

(5) Assize of Cloth

EGREMONT, c. 1202. Item assessum tinctorii textorii fullonici debent fieri per visum duodecim burgensium, et si quis statutum eorum transgressus fuerit dabit domino pro forisfacto duodecim denarios si inde convictus fuerit.

(Item, the assize of the dyers the weavers and the fullers ought to be fixed by the view of twelve burgesses, and if any transgress their orders, he shall give to the lord a forfeit of twelve pence, if he be convicted of it.)

(6) Release from certain Fines

RYE, 1140—89. Notum sit omnibus tam presentibus quam futuris quod ego Henricus Dei gratia abbas Fiscanniensis et totus conventus hominibus nostris de Ria et eorum heredibus in perpetuum relaxavimus Ledtschet Childwitefeld et vendendae domus consuetudinem; ita quidem quod propter horum relaxationem homines Rie reddere debent ecclesiae Fiscanniensi et abbati singulis annis duas marchas et dimidiam in certis redditibus assignatas in villa Rie aut alias ad voluntatem abbatis. Quod si redditus defecerint, homines de communi eas reddent aut ecclesia et abbas ad prescriptas consuetudines redibunt.

(Be it known to all present and future that I Henry by the grace of God Abbot of Fecamp and the whole convent have released for ever to our men of Rye and their heirs Ledtschet Childwitefeld and the custom on sale of a house, so that on account of their release the men of Rye shall pay to the church of Fecamp and the abbot every year two marks and a half assigned in certain rents in the town of Rye or otherwise at the will of the abbot: and if the rents fail, the men shall pay them out of their common fund, or the church and abbot shall re-enter into the aforesaid customs.)

RYE, 1189—1219.

IV. JURISDICTIONAL PRIVILEGES

E. DISTRESS

(1) Authority to Distrain

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Burgenses possunt namiare foris habitantes infra suum forum et extra et infra suam domum et extra et infra suum burgum et extra sine licentia prepositi, nisi comitia teneantur in burgo et nisi in exercitu [sint vel] custodia castelli.

Super burgensem non potest burgensis namum capere sine licentia prepositi¹.

(The burgesses may distrain foreigners within their market and without, and within their houses and without, and within their borough and without, without the license of the reeve, unless the courts are being held in the borough, or unless they are in the field or in the castle-guard.

A burgess may not distrain on a burgess without the license of the reeve.)

LEGES QUATTUOR BURGORUM.

Line 1. *Read* quilibet burgensis potest *for* burgenses possunt.

2. *Omit* infra suum burgum et extra.

3. *Add* sui *after* prepositi.

4. *Read* commercia vel nundinae *for* comitia.

Read fuerit in exercitu regis vel in *for* in exercitu sint vel.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Licet namiare rusticos et rure habitantes infra suum forum et extra infra suas domos et extra sine licentia prepositi nisi ad comitatum venerint et nisi sint in exercitu vel in custodia castelli; sed non licet alicui burgensi namiare alium sine licentia data a preposito.

(It is lawful to distrain rustics and those living in the country within their market and without, and within their houses and without, without the license of the reeve, unless they came to the courts or are in the army or castle-guard: but it is not lawful for one burgess to distrain another without license given by the reeve.)

¹ Qu. B. C. I 109, 110.

WEARMOUTH, 1162—86. Quod liceat eis namiare rusticos et ceteros in rure habitantes infra burgum suum si eis debita debuerint sine licentia prepositi sui, nisi forte ibi ab Episcopo vel Vicecomite vel Seneschallo missi fuerint ad negotia ipsius Episcopi facienda.

Burgensi cum burgense namiare non liceat sine licentia prepositi¹.

(That it shall be lawful for them to distrain rustics and others who dwell in the country within their borough without the license of their reeve, if they owe them debts, unless by chance they were sent there by the Bishop or the Sheriff or the Steward to do the business of the Bishop.

It shall not be lawful for a burgess to distrain a burgess without the license of the reeve.)

BURY ST EDMUNDS, 1121—38. Si quis praestiterit suam pecuniam alicui infra vel extra villam et non poterit eam habere ad terminum statutum et hoc fuerit recognitum in ipsa villa, accipiet namam pro ea².

(If any lend his money to another within or without the town, and cannot have it at the appointed time, and the debt was admitted in the town, he may take distress for his debt.)

BURY ST EDMUNDS, 1182—1212.

Line 1. *For* praestiterit *read* accommodaverit.

LONDON, 1131. Quod si reddere noluerint neque ad disrationandum venire tunc cives quibus debita sua debent capiant intra civitatem namia sua vel de comitatu³ in quo manet qui debitum debet.

(But if they refuse to pay and will not come to clear themselves, then the citizens to whom they owe the debts may take distress within the city from them or from the county in which the debtors dwell⁴.)

TRURO, 1166. Et quod de pecunia eorum accredita et non reddita namium capiant in villa sua de debitoribus suis.

(And that for their money lent and not returned, they may take distress in their town from their debtors.)

PEMBROKE, 1154—89. Volo itaque et precipio ut ea quae predicti burgenses in eadem villa praestant, si debitores reddere noluerunt, in eadem villa namium capiant.

(I will also and ordain that if their debtors will not return those things which the aforesaid burgesses lend in their town, the burgesses may take distress in the same town.)

¹ Qu. B. C. I 111.

² Qu. B. C. I 109.

³ Miss Bateson suggests *communitate* for *comitatu*, B. C. II liii. It is noteworthy that there is no similar clause in the London charter of 1155.

⁴ Qu. B. C. I 119.

COLCHESTER, 1189. Et si debita reddere noluerint et ad disrationandum Colecestriam non venerint, burgenses nostri quibus debita illa debentur capiant namium de comitatu illo in quo manent illi qui debita illa debent quousque illis debita illa persolvantur vel Colecestria disrationent quod non debeant¹.

(And if they refuse to pay their debts, and will not come to Colchester to clear themselves, our burgesses to whom those debts are owing may take distress from that county in which the debtors dwell, until those debts are paid to them, or they prove at Colchester that they do not owe them.)

YORK, 1189—99. Quod iidem cives namia capiant pro debitis suis.

(That the said citizens may take distresses for their debts.)

CHESTER, 1190—1202. Et quod si civis in civitate predicta de catallis suis cuiquam commodaverit, liceat ei namium capere in ipsa civitate pro catallis suis recuperandis sine licentia postulata a vice-comite vel ab aliis ballivis meis².

(And that if a citizen has lent his chattels to any in the aforesaid city, it shall be lawful for him to take distress in the same city for recovering his chattels, without asking license from the sheriff or other bailiffs of mine.)

DUBLIN, 1192. Et quod possint distringere debitores suos per namia sua in Dublin.

(And that they may distrain their debtors by their distresses in Dublin.)

DUBLIN, 1200.

KILKENNY, 1202—10.

Line 1. *For et quod read* liceat eisdem burgensibus.

2. *For in Dublin read* quae inventa fuerunt in villa K.

PONTEFRAC, 1194. Si forinsecus debitum debuerit alicui burgensium, licet ei omni die septimanae capere namium super eum sine licentia pretoris, nisi in nundinis Sancti Egidii².

(If a foreigner owe a debt to any of the burgesses, he may distrain on him on any day of the week without the license of the reeve, except at St Giles' fair.)

LEEDS, 1208.

Line 2. *For burgensium read* burgensi.

3. *Omit* Sancti Egidii.

OKEHAMPTON, 1194—1242. Si quis debitum alicujus burgensis asportaverit, burgenses catalla asportantis in burgo suo capiant et retineant donec eis de jure satisfecerit.

(If any carry away the debt of any burgess, the burgesses may take the chattels of the debtor in their town, and retain them until he has lawfully satisfied them.)

¹ Qu. B. C. I 120.

² Qu. B. C. I 111.

HAVERFORDWEST, 1189—1219. Item, licet eisdem capere namia pro debito suo in villa sua de debitore suo vel de plegio vel de homine vel de vicino debitoris illius qui fuerit de tenemento comitatus Penbroc.

(Item, it shall be lawful for them to take distresses for their debt in their town from their debtor, or from his surety, or from a man or a neighbour of that debtor, who comes from a tenement in the County of Pembroke¹.)

EGREMONT, c. 1202. Item, si aliquis burgensis vendiderit res suas alicui non burgensi, et ille noluerit reddere, licet eidem burgensi capere namium suum infra burgum sine alicujus licentia².

(Item, if any burgess sell his property to any man, not a burgess, and the latter is unwilling to pay, it shall be lawful for the said burgess to take his distress within the borough without the license of any person.)

SHREWSBURY, 1205. Et quod liceat eis distringere apud Salopesberiam debitores suos pro debitis quae illis apud Salopesberiam accommodaverint.

(And that it shall be lawful for them to distrain their debtors at Shrewsbury for their debts which they have lent to them at Shrewsbury.)

STAFFORD, 1206.

DUNWICH, 1215. Et quod in burgo suo liceat eis capere namia debitorum suorum et eorum plegiorum de omnibus debitis quae eis debeantur.

(And that in their borough it shall be lawful for them to take the distresses of their debtors and of their pledges for all the debts which are owed to them.)

(2) Restraints on Distress

NOTTINGHAM, 1157. Omnes etiam qui ad forum de Nottingham venerint a vespere diei Veneris usque ad vesperam Sabbati non namientur nisi pro firma regis³.

(All also who come to the market at Nottingham shall not be distrained on from Friday night till Saturday night, except for the king's firm.)

NOTTINGHAM, 1189. Line 3. *For regis read mea.*

NOTTINGHAM, 1200. Line 3. *For regis read nostra.*

DERBY, 1204. Line 2. *For Veneris read Jovis.*

For Sabbati read die Veneris.

3. *For regis read nostra.*

¹ Distress could be taken from neighbours of the debtor, only when they lived in the county of Pembroke.

² Qu. B. C. I 111.

³ Qu. B. C. I 103.

BRISTOL, 1188. Quod nullus burgensis alicubi in terra vel potestate mea namietur vel distringatur pro aliquo debito nisi sit debitor vel plegius¹.

(That no burgess be distrained anywhere in my land or realm for any debt unless he be the debtor or a surety.)

DUBLIN, 1192.

DUBLIN, 1200.

KILKENNY, 1202—10.

Line 1. *Omit* alicubi.

2. *For* aliquo *read* alieno.

3. *After* debitor *read* principalis.

KELLS, *after* 1210. As Kilkenny.

BARNSTAPLE, 1200. Nec quod ullatenus Burgenses Burgi Barnestapol predicti cum per terram nostram transitum fecerint pro aliorum debito disturbentur nec disturbari permittantur nisi debitores sint vel debitoris illius plegii extiterint.

(Nor that in any way the aforesaid burgesses of the Borough of Barnstaple, when they make their journey through our land, be disturbed nor be allowed to be disturbed, for the debt of others, unless they are the debtors or the sureties of that debtor.)

MARLBOROUGH, 1204. Quod nullus eorum namatus sit in terra nostra pro alterius debito nisi sit inde plegius vel capitalis debitor.

(That none of them be distrained in our land for the debt of another unless he be surety for it or the principal debtor.)

DUNWICH, 1205. Quod non namientur pro aliquo debito unde non fuerint vel plegii vel capitales debitores nisi ipsi super hoc conventui in justitia exhibenda defecerint, et nisi in locis quibus libertatem et potestatem hujusmodi namia capiendi concessimus.

(That they be not distrained for any debt for which they are not sureties or principal debtors, unless, after an agreement to this effect, they had failed in doing justice, and except in those places to which we have granted the liberty and power of taking this kind of distress.)

INVERNESS, 1165—1214. Sciatis me hanc libertatem dedisse burgensibus meis de Moravia ut nullus scilicet in terra mea eorum namum capiat pro alicujus debito nisi pro eorum debito proprio. Quare prohibeo ne quis in terra mea eorum namum aliter capiat super meam plenariam defensionem².

(Know ye that I have given this liberty to my burgesses of Moray, that is to say, that no one in my land shall take distress of them for the debt of anyone except for their own debt. Wherefore I forbid anyone in my land taking distress of them otherwise, on pain of my full forfeiture.)

¹ Qu. B. C. 1 115.

² Qu. B. C. 1 115, n. 4.

WINCHESTER, 1215. Quod nullus eorum per aliquem distringatur extra eundem civitatem ad reddendum alicui debitum aliquid unde non sit capitalis debitor vel plegius.

(That none of them be distrained by any without the said city for the repayment of any debt to any person for which he is not capital debtor or surety.)

NEWCASTLE-ON-TYNE, 1216.

CORBRIDGE, *after* 1212. Nulli ballivo liceat dare licentiam alicui forinseco namium capiendi infra burgum, nec colligendi nuces vel glandes post festum Sancti Michaelis, nisi ad opus domini.

(No bailiff may give license to any foreigner to take distress within the borough, nor to collect nuts or acorns after Michaelmas, except for the lord's use.)

(3) Dealing with Distresses

BURY ST EDMUNDS, 1121—38. Si autem inde vadimonium habuerit et hoc tenuerit per integrum annum et unum diem, et debitor illud degniare sive deliberare noluerit et hoc fuerit recognitum, vendet vadimonium coram bonis testibus quantum poterit, et inde suam pecuniam capiet. Si quid autem superfuerit, reddet illi. Si vero inde totam pecuniam habere non poterit, iterum namam capiet pro hoc quod illi deest¹.

(If a burgess has a pledge for that debt and hold it for a complete year and a day, and the debtor is unwilling to admit the debt or redeem the pledge, and this is proved, he shall sell the pledge for as much as he can, in the presence of good witnesses, and therefrom take his money. If there is any balance, he shall return it to the debtor. But if there is not enough to pay him, he shall take distress again for what is lacking.)

BURY ST EDMUNDS, 1182—1212.

Line 3. *For* degniare *read* degnagare.

4. *For* quantum *read* pro quanto.

7. *For* illi *read* sibi.

GATESHEAD, 1153—95. Et averia alicujus burgensis non ducantur extra burgum sed ibidem replegientur si ea replegiare voluerint².

(And the beasts of any burgess shall not be led outside the borough but shall be there replevied, if they wish to replevy them.)

¹ Qu. B. C. I 143.

² Qu. B. C. I 135.

CARDIFF, 1147—83. Item nullus libere tenens de altero dominio si burgagium habuerit potest namia tenentis sui in burgo extra burgum ducere vel portare¹.

(Item, no one holding freely of another lordship, if he has a burgage, shall lead or carry without the borough the distresses of his tenant within the borough.)

KILKENNY, 1202—10. Concessi etiam eis quod si quis catalla eorum pro alieno forisfacto extra burgum ceperit sine occasione reddantur sicut rationabiliter monstrare poterint quod sua sunt².

(I have also granted to them that if anyone take their chattels outside the borough for the debt of another without occasion, they shall be restored, as they can reasonably show that they are theirs.)

(4) Distress on Bailed Goods

*PONTEFRAC*T, 1194. Si namium alicujus burgensis captum fuerit super alium, judicatus erit prima die ire ad liberandum illud propriis expensis, quod si facere noluerit per proprium ire namium³.

(If the goods of any burgess shall be taken on another by way of distress, that other shall be ordered on the first court day to go and deliver the distress at his own costs, and if he will not do so, his own goods shall be taken in distress.)

LEEDS, 1208. Line 2. *Omit* ire.

¹ Qu. B. C. i 135.

² Qu. B. C. i 115.

³ Qu. B. C. i 149.

V. MERCANTILE PRIVILEGES

A. MARKETS AND FAIRS

(1) Ban of Trade to Borough

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Quicquid mercaturae navis per mare advexerit ad terram debet ferri praeter sal et allec (quae) debet vendi in navim.

(Whatever merchandise a ship may bring by sea, must be brought on to the land, except salt and herrings, which must be sold on shipboard.)

LEGES QUATTUOR BURGORUM.

Line 1. *For* quicquid mercaturae *read* quascunque mercaturas.

2. *For* advexerit *read* adduxerit.

3. *For* allec (quae) debet *read* alleces quae debent.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Mercandisae quae per mare burgo adportantur ad terram portari debent praeter sal et alleces quae in navi debent vendi.

(Merchandise, which is brought by sea to the borough, must be carried to land, except salt and herrings, which must be sold on shipboard.)

WEARMOUTH, 1162—86.

Line 1. *For* mercandisae *read* mercationes.

3. *Add at end* vel in burgo ad libitum venditoris.

CAMBRIDGE, 1120—31. Prohibeo ne aliqua navis applicet ad aliquod litus de Cantebrugeseira nisi ad litus de burgo meo de Cantebruge, neque carece onerantur nisi in burgo de Cantebruge, neque aliquis capiat alibi theloneum nisi ibi.

(I forbid any ship touching at any hythe of Cambridgeshire except at the hythe of my borough of Cambridge, nor shall barges be loaded except in the borough of Cambridge, nor shall any take toll elsewhere except there.)

LINCOLN, 1154—79. Henricus etc. vicecomitibus et ministris suis de Lincolscire. Precipio quod faciatis forinsecos mercatores venire ad Lincolniam et ibi facere mercaturas suas ita rationabiliter et juste sicut facere solebant tempore Henrici Regis avi mei, ne prepositi mei Lincolniae amittant meas regias consuetudines.

(Henry II to his sheriffs and ministers of Lincolnshire. I ordain that you make foreign merchants come to Lincoln and do their trading there as reasonably and justly as they were wont to do in the time of King Henry my grandfather, so that my reeves of Lincoln may not lose my royal customs.)

NOTTINGHAM, 1157. Homines etiam de Notingehamsire et de Derbescire venire debent ad burgum de Notingeham die Veneris et Sabbati cum quadrigis et summagiis suis.

(The men also of Nottinghamshire and Derbyshire ought to come to the borough of Nottingham on Fridays and Saturdays with their wagons and sumpter horses.)

NOTTINGHAM, 1189.

NOTTINGHAM, 1200.

DERBY, 1204. Line 2. *For die Veneris et Sabbati read die Jovis et die Veneris.*

NOTTINGHAM, 1157. Nec aliquis infra decem leucas in circuitu de Notingeham tinctos pannos operari debet nisi in burgo de Notingeham.

(None ought to work dyed cloths within a radius of ten leagues of Nottingham, except in the borough of Nottingham.)

NOTTINGHAM, 1189.

NOTTINGHAM, 1200.

DERBY, 1204. *Add salva libertate burgi de Notingeham.*

PEMBROKE, 1154—89. Ut omnes naves quae cum mercatura ad portum Milford intrant si in terra emere vel vendere voluerint veniant ad pontem Pembroch' et ibi vendant vel emant.

Si autem noluerint ad Crucem expectent auram suam donantes legitimas consuetudines suas.

Et ut omnis mercatura quae in comitatu Pembroch' emitur ut in Anglia ducatur, ad pontem Pembroch' skippare debeat, vel ad Tynebiam per consuetudines suas donandas.

(That all ships which enter with merchandise into the port of Milford shall come to Pembroke bridge, if they wish to buy or sell in the land, and shall there buy and sell. But if they are unwilling (to trade), they shall wait their breeze at the cross, paying their lawful customs. And that all merchandise which is bought in the county of Pembroke to be exported to England, must be shipped at Pembroke bridge, or at Tynebia, on payment of their customs.)

ILCHESTER, 1204. Quod omnes res venales quae transierint pontem...versus Ivelcestre applicet apud Ivelcestre et non alibi.

(That all saleable articles which cross the bridge towards Ilchester shall touch at Ilchester and not elsewhere.)

PERTH, 1165—1214. Prohibeo firmiter ne quis mercator extraneus infra vicecomitatum de Perth extra burgum meum de Perth aliquid emat vel vendat super meam defensionem, sed mercator extraneus veniat cum mercandis suis ad burgum meum de Perth et ibi eas vendat et denarios suos implicet. Si quis vero mercator

extraneus super hanc defensionem meam inventus fuerit in vicecomitatu de Perth aliquid emens vel vendens capiatur et detineatur donec voluntatem meam de eo precepero.

Prohibeo etiam firmiter ne quis extraneus extra burgum meum de Perth emat vel vendat coria vel lanam nisi in burgo meo de Perth.

(I firmly forbid any foreign merchant within the sherifffdom of Perth buying or selling anything except in my burgh of Perth against my prohibition, but the foreign merchant shall come with his merchandise to my burgh of Perth, and shall there sell them and pay his pence (for customs). If any foreign merchant in defiance of this my prohibition is found in the sherifffdom of Perth buying or selling anything, he shall be taken and detained till I declare my will concerning him.

I also firmly forbid any foreigner without my burgh of Perth from buying or selling hides or wool, except within my burgh of Perth.)

ABERDEEN, 1214.

Line 3. *For mercator read mercatores, with consequent alterations.*

4. *For veniat cum mercandisis read deferant merchaturas.*

3, 7. *For aliquid read aliquod.*

6. *Omit hanc.*

RUTHERGLEN, 1165—1214. Et prohibeo firmiter ne aliquis educat aliquid ad vendendum infra divisas prenominatas nisi prius fuerit ad burgum de Rutherglen.

(And I firmly forbid any from taking out anything for sale within the aforesaid bounds, unless it has first been (exposed) at the burgh of Rutherglen.)

INVERNESS, 1199—1214. Et ut nullus infra bailliam de Invernīs faciat extra burgum meum pannum tinctum vel tonsum contra assisam Regis David avi mei et meam.

Et si quis pannus inventus fuerit tinctus vel tonsus factus contra hanc meam defensionem precipio ut vicecomes de Invernīs pannum illum capiat et inde faciat sicut consuetudo et assisa fuit tempore Regis David avi mei nisi forte alicui libertatem talem per cartam meam dederim.

Prohibeo etiam firmiter ne quis emat vel vendat extra burgum meum aliquid quod sit contra assisam Regis David avi mei et meam.

(And that none within the bailliwick of Inverness shall make dyed or shorn cloth without my burgh against the assize of King David, my grandfather, and mine.

And if any dyed or shorn cloth shall be found, which is made contrary to this my prohibition, I order the sheriff of Inverness to take it and do with it as was the custom and assize in the time of King David my grandfather, unless by chance I have given this liberty to any by my charter.

And I firmly forbid any from buying or selling without my burgh anything which is contrary to the assize of King David my grandfather and mine.)

(2) Grant of Market¹

GLASGOW (1175—7). (To the Bishop of Glasgow.) Cum foro die Jovis bene et honorifice quiete et plenarie.

(With a market on Thursday, well and honourably, quietly and fully.)

ELVET, 1188—1219. Si vero nos, per gratiam et licentiam Domini nostri Episcopi, forum vel nundinas in eodem burgo poterimus adipisci, omnes rectitudines, quae ad forum et ad nundinas pertinent ad nos omnino spectabunt.

(But if we, through the favour and license of our Lord Bishop, can acquire a market or fair in the same borough, all the rights which pertain to a market and fair shall belong to us.)

PORTSMOUTH, 1194. Quod burgenses nostri in eodem burgo habeant singulis hebdomadis anni una die septimanae scilicet die Jovis mercatum cum omnibus libertatibus et liberis consuetudinibus quas cives nostri Wintoniae vel Oxoniae vel alii terrarum nostrarum habent vel habere debent².

PORTSMOUTH, 1201.

MARLBOROUGH, 1204.

- Line 1. *After* nostri *add* de Merleberge et heredes eorum.
 2. *For* hebdomadis *read* septimanis.
 For una die *read* duobus diebus.
 3. *For* Jovis *read* Mercurii et die Sabbati.
 5. *After* debent *add* in mercatis suis.

BRIDGEWATER, 1200. (To William Briwerr.) Quod ibi sit liberum mercatum.

(That there shall be a free market.)

WELLS, 1201. Quod ibi liberum sit mercatum singulis dominicis diebus sicut ibi est et esse consuevit.

(That there shall be a free market every Sunday as there is now and is wont to be.)

CHESTERFIELD, 1213. (To Richard Briwerr.) Et pretere a unum mercatum ibidem singulis septimanis per duos dies duraturum die Mercurii et die Sabbati cum omnibus libertatibus ad feriam et mercatum pertinentibus².

CHESTERFIELD, 1215. (To William Briwerr.)

¹ For the Sunday market at Pevensay see p. 175. For grant of market at Arbroath see p. 1.

² For translation see Addenda.

INVERNESS, 1199—1214. Sciatis...me constituisse diem fori in burgo meo de Invernīs scilicet diem sabbati in qualibet ebdomada.

(Know ye that I have appointed a market day in my burgh of Inverness, to wit, Saturday in every week.)

AYR, 1202—7. Assedi etiam in eo quolibet die Sabbati diem fori.

(I have established also in it a market day on every Saturday.)

ABERDEEN, 1214. Ut habeant forum suum die sabbati in qualibet ebdomada.

(That they may have their market on Saturday in every week.)

(3) Grant of Fair

PEMBROKE, 1154—89. ...Me dedisse et concessisse eisdem burgensibus meis nundinas octo dierum in festo apostolorum Petri et Pauli et omnibus ad eam venientibus firmam pacem meam exceptis illis qui pacem meam forisfecerint, et easdem libertates et consuetudines nundinae habeant quas habet forum meum in eadem villa die dominico.

(I have given and granted to my said burgesses a fair for eight days at the feast of the Apostles Peter and Paul, and have granted to all who shall come to it my firm peace, except to those who have forfeited my peace, and they shall have the same liberties and customs in the fair which my market has in the same town on Sundays.)

PRESTON, 1188—99 (Reconstructed). Et nundinas suas apud Preston ad Assumptionem Beatae Mariae liberas per octo dies duraturas.

(And their free fair at Preston at the Assumption of the Blessed Mary to continue for eight days.)

PRESTON, 1199.

PORTSMOUTH, 1194. Sciatis nos retinuisse in manum nostram burgum nostrum de Portesmue cum omnibus ad eum pertinentibus et in eo stabilisse et dedisse et concessisse nundinas duraturas semel in anno per quindecim dies ad Vincula Sancti Petri scilicet.

(Know ye that we have retained our borough of Portsmouth in our own hand with all its appurtenances, and in it have established and given and granted a fair to continue, once a year, for fifteen days, at the Feast of St Peter's chains.)

PORTSMOUTH, 1201.

MARLBOROUGH, 1204.

Line 3. *After* nundinas *read* singulis annis per octo dies duraturas

in festo Assumptionis Beatae Mariae scilicet vigilia ejusdem festi et septem diebus sequentibus.

(...fair every year to continue for eight days at the feast of the Assumption of the Blessed Mary, to wit, on the Eve of the said Feast, and for seven days following.)

WELLS, 1201¹. (Bp Savaric.) Statuimus etiam et in perpetuum concedimus ut quicumque illic in quattuor festivitibus quacunque negotiationis causa convenerint, scilicet in inventione Sanctae Crucis, in festivitate Sancti Kalixti, in festivitate Sancti Andreae, in die anniversario dedicationis capellae beati Thomae Martyris qui est dies crastina sancti Johannis Baptistae in plateis burgi illius negotiationes suas fecerint et ab omni prava consuetudine et inquietudine et molestia et exactione liberi exerceant, et nullatenus ecclesiam Wellensem et atrium ecclesiae negotiaturi intrare vel violare presumant.

Concedentes et in perpetuum statuentes ut omnes ibi convenientes quieti sint in perpetuo de theloneo in omnibus predictis festivitibus et eorum vigiliis et crastino earumdem ut per triduum illa gaudent libertate in singulis festivitibus supra nominatis.

(We also determine and for ever grant that whoever shall come there at the four feasts, for the sake of trading, to wit, at the feast of the Finding of the Holy Cross, at the feast of St Kalixtus, at the feast of St Andrew, and on the anniversary of the dedication of the Chapel of the Blessed Thomas the Martyr, that is the morrow of St John the Baptist, shall do their business in the streets of the borough, and shall be free from all evil custom and disturbance and hindrance and exaction, and shall by no means presume to enter or desecrate the church of Wells or the church-porch to sell their merchandise.

Granting and decreeing for ever that all coming together there shall be quit of toll for ever in all the aforesaid feasts and their eves and morrows, so that for three days they may enjoy that liberty in the above-named feasts.)

WELLS, 1201. Et liberae feriae sicut annuatim ibi esse solent, in festo beati Andreae, beati Calixti, in Inventione Sanctae Crucis, in crastino beati Johannis Baptistae, et preterea una feria de dono nostro singulis annis in translatione beati Andreae per octo dies duratura infra vicos ejusdem burgi in locis quibus predicta feria beati Andreae ibidem teneri consuevit, nisi sit ad nocumentum vicinarum feriarum.

(And free fairs, as they were wont to be there every year, in the feast of the blessed Andrew, of the blessed Calixtus, in the Invention of the Holy

¹ This is practically a repetition of a clause in a charter of Bishop Robert (1136—66), which was confirmed by Bishop Reginald (1174—80), who however reserved to himself half the hire of the selds; but the fair on St Thomas' Day was added by Savaric.

Cross, and on the morrow of the blessed John the Baptist, and moreover, one fair of our own gift every year, at the Translation of the blessed Andrew, to continue for eight days in the streets of the same borough in the places in which the aforesaid fair of the blessed Andrew was wont to be held, provided that it be not a nuisance to neighbouring fairs.)

BRIDGEWATER, 1200. (To William Briwerr.) Et una feria singulis annis per octo dies duratura scilicet a die Nativitatis Beati Johannis Baptistae in octo dies.

(And one fair every year lasting for eight days, to wit, from the Nativity of the blessed John the Baptist for eight days.)

CHESTERFIELD, 1213. (To Richard Briwerr.)

Line 2. *For scilicet to end read* in exaltatione Sanctae Crucis.

CHESTERFIELD, 1215. (To William Briwerr.) As 1213.

CAMBRIDGE, 1201. Concessimus eis feriam suam in septimana Rogationum cum libertatibus suis sicut eam habere consueverunt.

(We have granted them their fair in Rogation week with its liberties, as they were wont to have it.)

PEMBROKE, 1201. Concessimus etiam eis et confirmavimus unam feriam singulis annis per tres dies duraturam videlicet vigilia Sancti Johannis Baptistae et die festi et in crastino, ita tamen quod non sit ad nocumentum vicinarum feriarum.

(We have also granted and confirmed to them a fair every year to continue for three days, to wit, on the Eve of St John the Baptist and on the feast day and the morrow, provided that it be not a nuisance to the neighbouring fairs.)

ILCHESTER, 1204. Et quod habeant unam feriam singulis annis apud Iwelcestre per unum diem duraturam scilicet die Decollationis S. Johannis Baptistae cum omnibus libertatibus et liberis consuetudinibus ad hujusmodi ferias pertinentibus quum hanc cum aliis predictis per cartam predicti Regis Henrici patris nostri habuerunt.

(And that they shall have one fair every year at Ilchester lasting for one day, to wit on the day of the Beheading of St John the Baptist, with all the liberties and free customs pertaining to fairs of this kind, since they had this fair with all the other aforesaid customs by a charter of King Henry our father.)

SHREWSBURY, 1205. Et quod habeant apud Salopesberia unam feriam singulis annis per tres dies duraturam scilicet prima die Junii et duobus diebus sequentibus ita tamen quod non sit ad nocumentum vicinarum feriarum.

(And that they shall have at Shrewsbury a fair every year to continue for three days, to wit on the first day of June and for two days following, provided that it is not a nuisance to the neighbouring fairs.)

ANDOVER, 1205, May 29. *Preterea concessimus et confirmavimus predictis burgensibus nostris de Andevra quod habeant unam feriam ibidem singulis (annis) per quattuor dies duraturam, scilicet vigilia Sancti Leonardi et tribus diebus sequentibus, ita tamen quod non sit ad nocumentum vicinarum feriarum.*

(Moreover, we have granted and confirmed to our said burgesses of Andover that they shall have a fair there every year to last for four days, to wit, on the eve of St Leonard and for three days following, provided that it is not a nuisance to neighbouring fairs.)

PEVENSEY, 1207. *Preterea concessimus predictis baronibus nostris de Pevenesel quod habeant singulis annis ibidem unam feriam per septem dies duraturam scilicet tres dies proximos ante diem natalem Sancti Johannis Baptistae et ipso die et per tres dies proximos sequentes et unum mercatum singulis diebus dominicis, ita tamen quod predicta feria et predictum mercatum non sint ad nocumentum vicinarum feriarum (et) vicinorum mercatorum.*

(Moreover, we have granted to our aforesaid barons of Pevensey that they may have there every year a fair to continue for seven days, to wit, three days next before the Birthday of St John the Baptist, and the feast day, and the three following days, and a market on every Sunday, provided that the aforesaid fair and market shall not be a nuisance to the neighbouring fairs and markets.)

DUBLIN, 1215. *Quod habeant unam feriam singulis annis apud Dublin' infra metas suas incipientem in vigilia Inventionis Sanctae Crucis et duraturam per quindecim dies, salva domino archiepiscopo predicta feria per duos dies videlicet in vigilia Inventionis predicta et ipsa die Inventionis.*

(That they shall have a fair every year at Dublin within their own bounds beginning on the eve of the Finding of the Holy Cross and continuing for fifteen days, saving to the Lord Archbishop the aforesaid fair for two days, to wit, on the said Eve of the Finding, and on the day of the Finding.)

DROITWICH, 1215. *Quod habeant unam feriam singulis annis in eadem villa de Wich incipientem die Translationis Sanctorum Andreae et Nicholai quae est nono die Maii et duraturam per octo dies subsequentes cum omnibus libertatibus ad hujusmodi feriam pertinentibus.*

(That they may have a fair every year in the same town of Wich beginning on the day of the Translation of Saints Andrew and Nicholas, which is the ninth day of May, and continuing for eight days following, with all the liberties pertaining to a fair of this kind.)

(4) Grant of Toll

BEVERLEY, c. 1130. Concedo etiam eis Theloneum in perpetuum pro v et iii marcis annuatim; praeterquam in tribus festis in quibus theloneum ad nos et ad canonicos spectat, in festo scilicet Sancti Johannis Confessoris in Maio, et in festo Translationis Sancti Johannis et in Nativitate Sancti Johannis Baptistae: in his vero tribus festis omnes burgenses de Beverlaco ab omni theloneo liberos et quietos dimisi.

(I also grant to them the Toll for ever for eight marks yearly, except in three feasts in which the toll belongs to us and the canons, to wit, in the feast of St John the Confessor in May, and in the feast of the Translation of St John and in the Nativity of St John the Baptist: moreover, in these three feasts, I have granted that all the burgesses of Beverley shall be free and quit of all toll.)

BEVERLEY, c. 1154. Preterea concessi eis Theloneum in perpetuum pro viii marcis singulis annis exceptis tribus festis, quod quidem tunc ad nos et Canonicos spectat...In hiis vero tribus festis hoc modo determinatis ipsos burgenses ab omni thelonio liberos etiam et quietos dimisi.

(Moreover, I have granted to them the toll for ever for eight marks every year, excepting three feasts, in which indeed it then belongs to us and the canons; ...moreover, in these three feasts determined in this manner, I have granted that the same burgesses shall be free and quit of all toll.)

PRESTON, 1188—99 (Reconstructed). Concessi etiam eisdem burgensibus de proprio dono meo totum theloneum wapentachiae de Amouderesse¹.

(I have granted also to the same burgesses of my own gift all the toll of the wapentake of Amouderess.)

PRESTON, 1199.

BRIDGEWATER, 1200. (To William Briwerr.) Cum theloneo paagio pontagio passagio lastagio stallagio et cum omnibus aliis libertatibus et consuetudinibus ad liberum burgum et ad mercatum et feriam pertinentibus.

(With toll, paage, pontage, passage, lestage, stallage and all other liberties and customs to a free borough and market and fair belonging.)

SHREWSBURY, 1205. Et quod habeant de omnibus Walensibus venientibus apud Salopesberiam cum merchandis suis debitum theloneum et debitas consuetudines sicut consueverunt.

(And that they shall have of all Welshmen, coming to Shrewsbury with their merchandise, the due toll and customs as they were wont.)

¹ For grant of tolls in the districts round Nottingham and Derby see p. 7.

CHESTERFIELD, 1213. (To Richard Briwerr.) Et quod theloneum capiatur in predictis feria et mercato ab omnibus qui libertates non habuerunt.

(That toll shall be taken in the aforesaid fair and market from all who have not the liberties.)

CHESTERFIELD, 1215. (To William Briwerr.)

(5) Schedule of Tolls¹

CARDIFF, 1147—83. Item milites et libere tenentes in hundredo quieti sunt in foro de tolneto de venditionibus omnibus et empti-
onibus suis ad opus suum factis nisi fuerint mercatores.

Item dominus episcopus quietus erit de dominica mensa sua sed homines sui dant consuetudinem.

Item Templarii Hospitalarii et monachi dant consuetudinem nisi habeant cartam domini Willelmi et domini Roberti comitum.

Item careta onerata blado vel pisis² dabit consuetudinem. Emptor dabit i d: careta scilicet unum obolum.

Careta onerata diversis merchandis i d: stallagium scilicet i quadrantem.

Equus oneratus i quadrantem.

Venditor ferri pro onere equi i quadrantem.

Venditor ferri qui ferrum portaverit i quadrantem.

Pro bachone i quadrantem.

Pro v porcis i denarium.

Et pro v ovibus i denarium. Et pro v agnis i denarium.

Item marchandisa trium denariorum et infra quieta est de tolneto. Et si fuerit majoris pretii quam trium denariorum, dabit consuetudinem.

Item duo mercatores dabunt pro stallagio i quadrantem.

Et qui portaverit lineam telam ad vendendam licet scindat eam, dabit i quadrantem.

(Item, the knights and free holders in the hundred shall be quit of toll in the market for all their purchases and sales made for their own use, unless they be merchants.

Item, the Lord Bishop shall be quit for his own table, but his men give custom.

Item, the Templars, the Hospitallers and the monks give custom unless they have a charter of Earl William and Earl Robert.

¹ For schedule of Tolls at Newcastle-on-Tyne temp. Henry I, see *Acts of Parliament, Scotland* 1 33; *Percy Cartulary* 333.

² Corr. from *piris*.

Item, a wagon loaded with corn or pease shall give custom ; the purchaser shall give one penny, and the wagon a halfpenny.

A wagon loaded with different merchandise shall pay one penny : a stall, one farthing.

A loaded horse shall pay one penny.

A seller of iron with a horse-load, one farthing.

A seller of iron who carries his load, one farthing.

For a bacon pig, one farthing : for five pigs, one penny. And for five sheep one penny, and for five lambs, one penny.

Item, merchandise of three pence and under is quit of toll : and if it were of a higher price than three pence, it shall give custom.

Item, two merchants shall give for one stall one farthing.

And he who has carried in linen cloth for sale, if he cut it, shall pay one farthing.)

OKEHAMPTON, 1194—1242. Reddat de cavallo denarium, de animali, obolum, de quinque bidentibus denarium, de quinque porcis, denarium, de blado et capris nihil.

Si quis emerit vel vendiderit infra longam petram vel infra Yseneyete, theloneum reddat.

(He (i.e. the merchant) shall pay, for a horse a penny, for an animal (i.e. an ox) a half-penny, for five sheep a penny, for five pigs a penny, for corn and goats nothing.

If any buy or sell within the long stone or Yseneyete, he shall pay toll.)

LEEK, 1209—28. Et quod omnes qui ad forum et ad nundinas predicti burgi mei convenerint quieti sint per idem tolneum quod in aliis liberis mercatis datur in comitatu Stafford'.

(And that all who come to the market and fair of my aforesaid borough shall be quit for the same toll as is paid in the other free markets in the county of Stafford.)

(6) Penalties for Evasion of Toll

LINCOLN, 1154—79. Henricus etc. omnibus Norrensibus qui veniunt ad portum de Grymesby vel ad alios portus meos de Lincolnscire, salutem. Precipio quod faciatis prepositis meis Lincolniae omnes rectitudines et consuetudines quas solebatis facere tempore Regis Henrici avi mei prepositis Lincolniae ; et prohibeo ne quis vestrum detineat eis theloneum vel aliam consuetudinem injuste super decem librarum forisfacturam.

(Henry, etc., to all the Norsemen who come to the port of Grimsby or to my other ports of Lincolnshire, greeting. I ordain that ye pay to my reeves of Lincoln all the rights and customs which ye were wont to give to the reeves of Lincoln in the time of King Henry my grandfather : and I forbid any of you from detaining from them toll or any other custom unjustly under a forfeiture of £10.)

CHICHESTER, 1155. Et prohibeo super forisfacturam meam ne aliquis cum mercatu suo exeat a rectis viis civitatis Cicestriae causa asportandi consuetudines meas.

(And I forbid under my forfeiture that any go with his merchandise out of the straight ways of the city of Chichester in order to evade my customs.)

PONTEFRACT, 1194. Qui theloneum domini asportavit in forisfacto remanebit tali scilicet, pro quadrante quinque solidos et quadrantem, pro obolo, decem solidos et obolum, pro tribus quadrantibus quindecim solidos et tres quadrantes, pro denario viginti solidos et denarium.

(If any evade the lord's toll, he shall remain in this forfeiture, to wit, for a farthing, five shillings and one farthing, for a half-penny, ten shillings and one half-penny, for three farthings, fifteen shillings and three farthings, for a penny, twenty shillings and one penny.)

LEEDS, 1208.

OKEHAMPTON, 1194—1242. Si quis theloneum asportavit quietus reddat pro quadrante, quinque solidos, pro obolo decem solidos, pro denario viginti solidos.

(If any evade the toll, he shall be quit on paying for a farthing, five shillings, for a half-penny, ten shillings, for a penny, twenty shillings.)

RUTHERGLEN, 1165—1214. Et quicunque detulerit theloneum vel alia jura quae predictae villae tempore Regis David pertinuerunt ubicunque prepositus prefatae villae vel serviens ejus illum attingere possit in cujuscunque terra attingatur, dominus terrae illius inveniatur preposito de Rutherglen vel servienti suo auxilium ut disturbetur donec habeant jura Regis. Et nisi dominus villae hoc fecerit volo ut ipse sit in forisfacto meo de decem libris.

(And whoever has carried away toll or other dues which pertained to the aforesaid town in the time of King David, wherever the provost of the said town or his serjeant can find him, in whosoever land he may be found, the lord of that land shall find aid for the provost of Rutherglen or his serjeant, so that he shall be troubled till they have the King's rights. And unless the lord of the town do this, I will that he shall incur my forfeiture of £10.)

AYR, 1202—7. Precipio etiam firmiter ut apud Mach et Karne-buth et Lowdun et Croseneton et Lachtalpin tolneium et aliae consuetudines quae burgo debentur dentur et recipiantur.

Prohibeo itaque firmiter ne quis tolneium aut aliquam aliam consuetudinem quam predicto burgo meo de ratione facere debet ultra predictas divisas asportare presumat super meam plenariam forisfacturam. Si quis vero tolneium vel aliquam aliam consuetudinem

predicti burgi mei ultra predictas divisas asportare presumpserit, precipio firmiter ut omnes homines infra predictas divisas manentes sint auxiliantes servientibus meis ad acquirendum jus meum et ad capiendum et attachiandum illum qui tolneia aut aliquam aliam consuetudinem ad predictum burgum pertinentem ultra predictas divisas asportaverit vel asportare contenderit.

(I firmly order also that at Mach and Karnebuth and Lowdon and Croseneton and Lachalpin toll and the other customs which are owing to the burgh shall be paid and received.

I therefore firmly forbid that anyone presume to carry away beyond the aforesaid bounds toll or any other custom which he ought rightfully to pay to my aforesaid burgh under pain of my full forfeiture. But if anyone presume to carry toll or any other custom of my aforesaid burgh beyond the aforesaid bounds, I firmly command that all men dwelling within the aforesaid bounds shall aid my servants in acquiring my rights, and in taking and attaching the man who has carried tolls or any other custom to the aforesaid burgh pertaining beyond the aforesaid bounds, or has attempted to carry them away.)

(7) Freedom from Toll (General)

BURY ST EDMUNDS, 1102—3. Volo etiam ut abbas et conventus et burgenses Sancti Edmundi imperpetuum habeant quietantias de theloneis et aliis consuetudinibus in omnibus foris et nundinis per omnes terras meas et nullus eos disturbet super forisfacturam meam.

(I will also that the abbot and convent and burgesses of St Edmund's shall have for ever their quittances of toll and other customs in all markets and fairs throughout all my lands, and no man shall disturb them under my forfeiture.)

LONDON, 1131. Et omnes homines Londoniarum sint quieti et liberi, et omnes res eorum, et per totam Angliam et per portus maris, de thelonio et passagio et lestagio et omnibus aliis consuetudinibus.

(And all the men of London shall be quit and free, and all their goods, both throughout all England, and throughout the seaports, of toll and passage, and lestage and all other customs.)

COLCHESTER, 1189.

Line 1. *Omit* homines Londoniarum.

Omit et liberi et omnes res eorum.

3. *After* lestagio *add* et pontagio.

Add omnibus temporibus et omnibus locis.

FOLKESTONE, 1135—41. Precipio quod homines mei de Fulchestane sint ita juste quieti de theloneo et passagio et omni consuetudine per totam terram meam sicut homines mei de Douera melius quieti sunt, ne ulla eis modo contumelia vel injuria fiat.

(I ordain that my men of Folkestone shall justly be as quit of toll and passage and every custom throughout my whole land as my men of Dover are most quit, so that no insult or injury be done to them.)

DEVIZES, 1135—54. Concedo burgensibus meis de Divísis quod pro servitio suo quieti sint de theloneo passagio et lestagio et omni alia consuetudine per totam terram meam et per portus maris.

(I grant to my burgesses of Devizes that in consideration of their service to me, they shall be quit of toll passage and lestage and all other custom throughout all my land and the seaports.)

DEVIZES, 1200. *Add* sicut carta Imperatricis Matildae matris Henrici Regis patris nostri eis testatur.

LONDON, 1155. Omnes cives Londoniarum sint quieti de theloneo et lestagio per totam Angliam et per portum maris.

(All the citizens of London shall be quit of toll and lestage throughout all England and the seaports.)

LONDON, 1194. *For* portum *read* portus.

LONDON, 1199. Line 2. *Omit* per totam...maris.

Add et omni alia consuetudine per omnes terras nostras citra mare et ultra et per portus maris citra mare et ultra.

CANTERBURY, 1155—8. *For* portum *read* portus.

NORTHAMPTON, 1189. *For* portum *read* portus.

NORTHAMPTON, 1200. As London, 1194.

NORWICH, 1194. As London, 1194.

NORWICH, 1199. As London, 1194.

LINCOLN, 1194. As London, 1194.

LINCOLN, 1200. As London, 1194.

GRIMSBY, 1201. As London, 1194. *Add* excepta civitate Londoniae.

WINCHESTER, 1155—8. Quod cives mei Wintonienses de gilda mercatorum cum omnibus rebus suis quieti sint de omni theloneo passagio et consuetudine.

(That my citizens of Winchester, belonging to the Merchant Guild, together with all their goods, shall be quit of all toll passage and custom.)

WINCHESTER, 1190. Quod cives Wintoniae de gilda mercatorum sint quieti de theloneo et lestagio et pontagio in feria et extra et per portus maris omnium terrarum nostrarum citra mare et ultra.

(That the citizens of Winchester of the Guild of Merchants shall be quit of toll and lastage and pontage in and out of fairs and through the seaports of all our lands both on this and the other side of the sea.)

WINCHESTER, 1215.

Line 1. *After* Wintoniae *insert* et heredes eorum

2. *After* pontagio *insert* et passagio.

GLOUCESTER, 1200.

- Line 1. *After* quod *insert* omnes.
 2. *For* lestagio *read* stallagio.
 3. *Add* salvis in omnibus libertatibus civitatis Londoniae.

CAMBRIDGE, 1201.

- Line 2. *After* theloneo *insert* et passagio.
 3. *After* maris *insert* Angliae.
Add salvis in omnibus libertatibus civitatis Londoniae.

NEWCASTLE-ON-TYNE, 1216.

- Line 1. *For* cives Wintoniae *read* omnes burgenses predicti burgi et heredes eorum.
 2. *After* pontagio *add* et passagio tam...quam.

OXFORD, 1156. Quod sint quieti a theloneo et passagio et omni consuetudine per totam Angliam et Normanniam per terram et aquam per ripam maris bi land and bi strand.

(That they shall be quit of toll and passage and every custom throughout all England and Normandy by land and water, by the coast of the sea, 'by land and by strand.')

BEDFORD, 1189.

- Line 1. *For* a *read* de.
After theloneo *read* et pontagio et stallagio et lestagio.
After passagio *add* et de sartis.
 2. *After* omni *add* alia.
 3. *Before* aquam *insert* per.
Before per ripam *insert* et.

WALLINGFORD, 1156. Concedo etiam eis quod ubicunque ierint in Mercationibus suis per totam terram meam Angliae et Normanniae Aquitaniae et Andegaviae bi Gater end bi Strande bi Wode end bi Lande quieti sint de theloneo et passagio et picagio pannagio et stallagio.

(I grant also to them that wherever they go in their trading through my whole land of England and Normandy, Aquitaine and Anjou, 'by water and by strand, by wood and by land,' they shall be quit of toll and passage and picage and pannage and stallage.)

HYTHE, 1156. Sciatis me concessisse hominibus meis de Heia quietantiam de theloneo et omni consuetudine de cata venditione et accato suo per totam Angliam et Normanniam in cujuscunque terra venerint...et werecfri et wittefri et lestagefri et locofri...sicut ipsi vel antecessores sui eam melius et plenius et honorificentius habuerunt tempore regum Edwardi Willelmi primi et secundi et Henrici regis avi mei.

(Know ye that I have granted to my men of Hythe quittance of toll and all custom for their wares sales and purchases throughout the whole of England and Normandy, into whosoever land they may come...and they

shall be wreck-free and wite-free and lestage-free and lovecop-free¹...as they or their ancestors had that quittance best and most fully and most honourably in the times of Kings Edward, William the first, William the second and King Henry my grandfather.)

HYTHE, 1205. Line 2. *For cata read tota.*

7. *For avi read proavi.*

DOVER, 1154—89. (Reconstructed.)

Line 2. *For omni consuetudine read omnibus consuetudinibus.*

For cata read tota.

4. *Omit et werecfri...locofri.*

For sicut read cum quibus.

DOVER, 1201. Line 2. *For cata read tota.*

4. *Omit et werecfri...locofri.*

DOVER, 1205. As 1154—89.

ROMNEY, 1154—89. (Reconstructed.) Et quietantias suas de omni theloneo et lestagio et rivagio et wrec et omni alia consuetudine.

(And their quittance of all toll and lestage and rivage and wreck and every other custom.)

ROMNEY, 1205.

SANDWICH, 1155—8. Precipio quod homines mei de Sandwich et de Sarra habeant ita bene et plenarie et juste et libere omnes consuetudines et rectitudines et quietudines suas de theloneo et passagio et omnibus consuetudinibus sicut unquam melius et plenius habuerunt tempore Henrici regis avi mei et tempore regis Willelmi et aliorum antecessorum meorum.

(I ordain that my men of Sandwich and Sarre shall have all their customs and rights and quittances from toll and passage and all customs as well and fully and justly and freely as ever they best and most fully had them in the time of King Henry my grandfather and of King William and my other predecessors.)

SANDWICH, 1205.

Line 2. *Omit de Sarra.*

Omit et libere.

4. *For passagio et omnibus read et omnibus rebus et.*

5. *For avi read proavi.*

6. *Omit aliorum.*

HASTINGS, 1155—8. Sciatis quod ego concedo baronibus meis de Hastings...et quietantias de theloneo et lestagio et passagio et rivagio et sponsagio et omni werec et racato et de omnibus consuetudinibus per totam terram meam quocunque venerint.

¹ I think this must refer to the gildsman's share in bargains: see Borough Customs II 168, Gild Merchant I 49.

(Know ye that I grant to my barons of Hastings...quittance of toll and lestage and passage and rivage and sponsage¹ and all wreck and resale and from all customs throughout the whole of my land wherever they may come.)

HASTINGS, 1205.

LYDD, 1155—58. Precipio quod homines archiepiscopi Cantuariensis de Lhida et de Dyngemers qui mihi debent quintam partem servitii navium cum hominibus de Romenel sint ita quieti de theloneo et passagio et lestagio et wereg' et rivagio et omnibus aliis consuetudinibus et querelis sicut quietiores fuerunt tempore Regis Henrici avi mei et sicut homines de Hastings sunt, et sicut quieti esse debent ex consuetudine quinque portuum².

(I order that the men of the Archbishop of Canterbury living at Lydd and Dengemarsh, who owe me the fifth part of the ship service of the men of Romney, be as quit of toll and passage and lestage and wreck and rivage and all other customs and quarrels, as they best were in the time of King Henry my grandfather, and as the men of Hastings are, and as they ought to be according to the custom of the Cinque Ports.)

FORDWICH, 1154—75. Et ita quieti sint de theloneo sicut carta Regis Henrici avi mei testatur.

(And they shall be as quit of toll as the charter of King Henry, my grandfather, witnesses.)

BRISTOL, 1164. Quod sint quieti de theloneo et passagio et omni consuetudine per totam terram meam Angliae Normanniae et Walliae ubicunque venerint ipsi et res eorum.

(That they shall be quit of toll and passage and every custom throughout my whole land of England Normandy and Wales wherever they go, they and their goods.)

DUBLIN, 1164—76.

Line 1. *After* passagio *add* et pontagio et lestagio et pavagio et muragio et caiagio et caragio.

3. *After* Walliae *add* et Hiberniae.

BRISTOL, 1188. Quod sint quieti de theloneo et lastagio et passagio et pontagio et de omnibus aliis consuetudinibus per totam terram et potestatem meam.

(That they shall be quit of toll and lastage and passage and pontage and of all other customs throughout my whole land and realm.)

DUBLIN, 1192.

DUBLIN, 1200.

KILKENNY, 1202—10. Line 1. *For* quod *read* iidem autem Burgenses.

¹ A due on marriage.

² This is the earliest written evidence of the confederation of the Cinque Ports known to me : see *E.H.R.* 1909, p. 732.

MALDON, 1171. Quod ipsi sint quieti de carriagio et summagio et scutagio de tallagio et stallagio et lastagio et de omni theloneo in omni foro et in omnibus nundinis in omni transitu et pontium et viarum et maris et per totum regnum nostrum.

(That they shall be quit of carriage and sumpter service and scutage, of tallage and stallage and lastage and of every toll in every market and in every fair, and in every crossing of bridges and ways and seas and throughout our whole realm.)

ANDOVER, 1175. Quod sint quieti de theloneo et passagio et consuetudine per totam terram meam sicut burgenses Wintoniae qui sunt de gilda mercatoria sunt quieti.

(That they shall be quit of toll and passage and customs throughout the whole of my land as the burgesses of Winchester are quit who are of the Merchant Guild.)

ANDOVER, 1194.

ANDOVER, 1205. *Add* sicut cartae Henrici Regis patris nostri et Regis Ricardi fratris nostri quas inde habent rationabiliter testantur.

SALISBURY, 1100—35. (Reconstructed.)

SALISBURY, 1154—89. (Reconstructed.)

SALISBURY, 1200. *Add* sicut carta regis Henrici avi patris nostri testatur.

NEWCASTLE-ON-TYNE, 1154—89. (Reconstructed.) Sciatis me concessisse et presenti carta confirmasse burgensibus meis de Novo Castello super Tinam et omnibus eorum rebus quas ipsi potuerunt assecurare suas esse dominicas quietantiam de theloneo et passagio et pontagio et de ansa et de omnibus aliis consuetudinibus per totam terram meam.

(Know ye that I have granted and by the present charter confirmed to my burgesses of Newcastle-on-Tyne and to all their goods which they can prove to be their own, quittance of toll and passage and pontage and hanse and all other customs throughout the whole of my land.)

NEWCASTLE-ON-TYNE, 1201. *Add* sicut carta Henrici Regis patris nostri rationabiliter testatur.

CARMARTHEN, 1154—89. (Reconstructed.) Precipio vobis quod burgenses mei de Kaermardin sint quieti de theloneo et passagio et pontagio et omnibus consuetudinibus per terram meam.

(I order you that my burgesses of Carmarthen shall be quit of toll and passage and pontage and all customs throughout my whole land.)

CARMARTHEN, 1201. *Add* sicut carta Henrici Regis patris nostri rationabiliter testatur.

CARLISLE, 1154—89. (Reconstructed.)

Line 3. *For* per terram meam *read* ad me pertinentibus.

NOTTINGHAM, 1189. Quod ipsi sint quieti de theloneo per totam terram meam infra nundinas et extra.

(That they shall be quit of toll throughout my whole realm in fairs and out of fairs.)

NOTTINGHAM, 1200.

DERBY, 1204.

EXETER, 1189. Precipimus districte quod cives nostri Exonienses sint quieti et omnia mercata eorum de theloneo et passagio et lestagio et de omni alia consuetudine Et prohibemus ne quis eos super hoc injuste disturbet in terra vel in aqua vel alibi super x libras forisfacturae.

(We straitly command that our citizens of Exeter be quit and all their merchandise of toll and passage and lestage and of every other custom, and we forbid any from disturbing them unjustly on this account on land or sea or elsewhere under a penalty of £10.)

SOUTHAMPTON, 1189. Quod burgenses nostri de Sudhamton sint quieti de theloneo et passagio et pontagio tam in terris quam in aquis tam in feriis quam in mercatis et de omni seculari consuetudine et per omnes terras nostras citra mare et ultra et per omnem potestatem nostram.

(That our burgesses of Southampton shall be quit of toll and passage and pontage both in land and on water both in fairs and in markets, and from all secular custom through all our lands both on this and the other side of the sea and through all our power.)

SOUTHAMPTON, 1199.

EXETER, 1189. Line 3. *After* seculari *add* servitio et.

EXETER, 1200. As 1189. *Add at end* quae Rex Ricardus frater noster eis concessit quantum ad Reges pertinet. Insuper etiam eis concessimus ex dono nostro quod sint quieti de lestagio et stallagio per totam terram nostram quantum ad nos pertinet.

(Which (privileges) King Richard our brother granted to them, as far as it related to the Kings. Moreover we have also granted to them of our own gift that they shall be quit of lastage and stallage throughout all our land as far as pertains to us.)

BARNSTAPLE, 1200. Line 3. *After* seculari *add* servitio et.

RYE AND WINCHELSEA, 1191. Sciatis nos concessisse et... confirmasse quod homines de Rya et Winchenesell sint liberi et quieti per totam terram nostram citra mare et ultra ab omni theloneo et lestagio et tallagio et passagio et chaigagio et rivagio et sponsagio

et omni wrec et de rocato et de omnibus consuetudinibus per totam terram nostram quocunque venerint.

(Know ye that we have granted and confirmed that the men of Rye and Winchelsea shall be free and quit through all our land on this side of the sea and beyond of all toll and lastage and tallage and passage and quayage and rivage and sponage and from all wreck and resale and from all customs through all our land wherever they may come¹.)

RYE AND WINCHELSEA, 1205.

Line 4. *For chaigiagio read cayagio.*

5. *For rocato read racato.*

PORTSMOUTH, 1194. Concessimus etiam quod predicta villa de Portesmue et omnes burgenses nostri in ea et de ea tenentes quieti sint et liberi de theloneo et pontagio et stallagio et tallagio...tam per mare quam per terram ubicunque venerint in totam terram nostram.

(We have also granted that the aforesaid town of Portsmouth and all our burgesses in it and holding of it shall be quit and free of toll and pontage and stallage and tallage...both by sea and by land wherever they may come in all our land.)

PORTSMOUTH, 1201.

Line 3. *After pontagio add et passagio et pedagio et paagio.*

MARLBOROUGH, 1204.

Line 1. *For predicta villa de P. read predictum burgum de M.*

2. *After tenentes add et in eo manentes et heredes eorum.*

3. *After theloneo add et pannagio.*

After pontagio add et passagio et pedagio et paagio et pesagio.

For tallagio read lastagio.

YORK, 1189—99. (Henry III in a charter of 1252 recites that he has inspected a charter of Richard I granting to citizens of York) quietantiam cujuslibet thelonei lestagii et de wrek pontagii et pasagii et de trespas et de omnibus costumis per totam Angliam Normanniam Aquitaniam Andegaviam et Pictaviam et per omnes portus et costas maris Angliae Normannie Andegaviae Aquitaniae et Pictaviae.

(Quittance of every toll and lestage and wreck and pontage and passage and from trespass and from all customs throughout all England Normandy Aquitaine Anjou and Poitou and through all the ports and coasts of the sea of England Normandy Anjou Aquitaine and Poitou.)

YORK, 1200. Line 1. *After wrek add et.*

DUNDEE, 1199. Sciatis nos dedisse concessisse et presenti carta confirmasse burgensibus comitis David fratris Regis Scotiae de Dundee quod sint quieti de theloneo et de omnibus aliis consuetudinibus

¹ Compare Hastings, p. 183.

quae ad nos pertinent per omnes terras nostras excepta civitate Londoniarum¹.

(Know ye that we have given granted and by this present charter confirmed to the burgesses of Dundee of (i.e. holding under) Earl David, the brother of the King of Scotland, that they shall be quit of toll and of all other customs which pertain to us through all our lands excepting the city of London.)

APPLEBY, 1200. *Preterea dedimus et concessimus eisdem burgensibus nostris de Appelbi libertates et quietantias de theloneo et stallagio et pontagio et lestagio per totam terram Angliae nostram quantum ad nos pertinet preterquam in civitate Londoniae, nisi forte cives Eboracenses inde habent per libertates suas in civitate Londoniae.*

(Moreover, we have given and granted to our said burgesses of Appleby liberties and quittances of toll and stallage and pontage and lestage through all our land of England as far as pertains to us, except in the city of London, unless perchance the citizens of York have such quittance by their liberties in the city of London.)

IPSWICH, 1200. *Quod omnes burgenses de Gipeswic quieti sint de theloneo passagio pontagio stallagio lestagio et omnibus aliis consuetudinibus per totam terram nostram et per portus maris.*

(That all the burgesses of Ipswich shall be quit of toll, passage, pontage, stallage, lestage, and all other customs throughout the whole of our land and the seaports.)

SWANSEA, 1215. Line 3. *For per totam terram...maris read salvis in omnibus libertatibus civitatis Londoniae.*

DUNWICH, 1200. *Et quod ipsi per totam terram nostram quieti sint de theloneo et lestagio et passagio et pontagio et stallagio et de leue et de Danegeld et de ewagio de wrec et de lagan et omnibus aliis consuetudinibus salva libertate civitatis Londoniae.*

(And that they shall be quit throughout our whole land of toll and lestage, and passage and pontage and stallage and of levy and Danegeld and ewage and wreck and lagan and of all other customs, saving the liberty of the city of London.)

LYNN, 1204.

Line 1. *After nostram add et omnes portus maris.*

2. *After passagio add paagio.*

3. *For leue read liene.*

Omit de ewagio de wrec et de lagan.

For omnibus aliis consuetudinibus read omnia alia consuetudine.

STAFFORD, 1206. As Lynn, but Line 1 *for totam terram nostram read omnes terras nostras.*

YARMOUTH, 1208. As Lynn.

¹ Granted by King John.

DUNWICH, 1215. Et quod ipsi et homines eorum cum catallis et navibus et omnibus rebus et possessionibus quieti sint de murdro ...et lestagio et passagio et pontagio et de leue et de Danegeld et de gaiwite et de omnibus aliis consuetudinibus et exactionibus per totam potestatem nostram tam in Anglia quam in omnibus aliis terris nostris.

(And that they and their men with their chattels and ships and all their goods and possessions shall be quit of murder and lestage and passage and pontage and levy and Danegeld and gaiwite and of all other customs and exactions throughout all our realm both in England and all our other lands.)

HEREFORD, 1215. Line 1. *Omit ipsi...possessionibus.*

2. *For murdro read theloneo.*

BRIDGEWATER, 1200. Et sint quieti de theloneo paagio pontagio passagio lastagio et stallagio, et habeant omnes libertates et liberas consuetudines et quietantias quae ad nos pertinent per totam terram nostram et per omnes portus terrae nostrae excepta civitate Londonia.

(And that they shall be quit of toll paage pontage passage lestage and stallage, and shall have all the liberties and free customs and quittances which pertain to us throughout our whole land and through all the ports of our land, except the city of London.)

HELSTON, 1201. Et quietantiam per totam terram nostram de theloneo pontagio passagio stallagio lestagio et sollagio salvis in omnibus libertatibus civitatis Londoniae.

(And quittance through our whole land from toll pontage passage stallage lastage and sollage, saving in all things the liberties of the city of London.)

TOTNES, 1199—1216.

Line 2. *For stallagio read lenagio.*

For salvis...end read et de omnibus aliis hujusmodi consuetudinibus.

PEMBROKE, 1201. Sciatis nos ob dilectionem et ad petitionem dilecti et fidelis nostri Willelmi Mareschalli comitis de Penbroc concessisse et...confirmasse burgensibus de Penbroc quietantiam thelonei stallagii passagii lestagii pontagii et omnium aliarum consuetudinum ad nos pertinentium per omnes terras nostras in perpetuum, salva in omnibus libertate civitatis Londoniae.

(Know ye that we on account of our affection for and at the petition of our beloved and loyal subject, William Marshall Earl of Pembroke, have granted and confirmed to the burgesses of Pembroke quittance of toll stallage passage lestage pontage and all other customs pertaining to us throughout all our lands for ever, saving in all things the liberty of the City of London.)

ILCHESTER, 1204. Et cum quietantia de passagio pontagio stallagio lestagio in nundinis et extra et per omnes portus maris terrarum nostrarum citra mare et ultra.

(And with quittance of passage pontage stallage and lastage in and out of fairs and through all the seaports of our lands this side of the sea and beyond.)

BRIDGENORTH, 1215. Et quod sint liberi et quieti de theloneo et passagio (de omnibus merkandisis suis) ubicunque venerint per totam terram nostram (Angliae salvis civitati nostrae Londoniae libertatibus suis)¹.

(And that they shall be free and quit of toll and passage (for all their merchandise) wherever they may go throughout our whole land (of England, saving the liberties of our city of London).)

DROITWICH, 1215. Et quod quieti sint per totam terram nostram Angliae de pontagio passagio stallagio et theloneo et omnibus aliis consuetudinibus et exactionibus.

(And that they shall be quit, throughout our whole land of England, of pontage passage stallage and toll and all other customs and exactions.)

SCOTLAND

ARBROATH, 1187—99. Mando et firmiter precipio quatinus omnes burgenses abbatis de Aberbrothoc qui in burgo illo vel qui in eorum toftis in aliis burgis meis manserint quieti sint ab omni consuetudine et tolneyo per totam terram meam.

(I command and firmly enjoin that all the burgesses of the Abbot of Aberbrothoc who shall dwell in that burgh or in their tofts in my other burghs, shall be quit from all custom and toll throughout the whole of my land.)

ARBROATH, 1211—14. Ut omnes eorum burgenses qui in eodem burgo terram vel domum habuerint et in eo manentes fuerint, et burgenses eorum qui in toftis eorum manent in burgis meis, quieti et liberi sint a theloneo et consuetudine per totam terram meam et per omnes portus terrae meae de omnibus et omnimodis mercibus et mercaturis suis propriis quas emerint vel vendiderint.

(That all their burgesses who have land or house in the same burgh and shall be resident in it, and their burgesses who dwell in their tofts in my burghs, shall be quit and free from toll and custom throughout the whole of my land and through all the ports of my land for all and all kinds of their own wares and merchandize which they have bought or sold.)

¹ Words in brackets from Volumus clause.

INVERNESS, 1189—92. Et quieti erunt de tolleneto per totum regnum meum in perpetuum.

(And they shall be quit of toll throughout my whole land for ever.)

INVERNESS, 1171—97. Sciatis...me omnes burgenses meos de Invernīs quietos clamasse omni tempore a tolneio et omni consuetudine per totam terram meam. Quare prohibeo firmiter ne quis ab eis de eorum dominicis catallis tolneium aut aliquam consuetudinem exigat super meam plenariam forisfacturam.

(Know ye that I have quit-claimed all my burgesses of Inverness for all time of toll and every custom throughout my whole land. Wherefore I firmly forbid any from exacting toll or any custom from them for their own chattels under my full forfeiture.)

AYR, 1202—7. Concessi etiam¹ burgensibus qui illuc venient ad burgum meum inhabitandum et ibi sedentes et manentes erunt ut quieti sint a tolneio et omni consuetudine per totam terram meam de dominicis catallis suis. Prohibeo itaque firmiter ne quis in regno meo ab aliquo illorum tolneium aut aliquam aliam consuetudinem de dominicis catallis exigat super meam plenariam forisfacturam.

(I have granted also to my burgesses who shall come thither to inhabit my borough, and shall be there settled and dwelling that they shall be quit of toll and of every custom throughout my whole land for their own chattels. I forbid therefore that any in my kingdom shall exact from any of them for their own chattels toll or any other custom under my full forfeiture.)

(8) Freedom from Toll (Partial)

BEVERLEY, *c.* 1130 (Archbp. Thurstan). Et sciatis quod sint liberi et quieti ab omni theloneo per totam schiram Eboraci sicut illi de Eboraco.

(And know ye that they be free and quit of all toll throughout all Yorkshire, like the men of York.)

BEVERLEY, 1124—35 (Royal). Et volo quod sint quieti de theloneo per totam schiram Eboraci sicut illi de Eboraco.

(And I will that they be quit of toll throughout all Yorkshire like the men of York.)

TRURO, 1166 (Reginald, Earl of Cornwall). Et quod quieti sint de theloneo dando per totam Cornubiam in feriis et in foris et ubicunque emerint et vendiderint.

(And that they be quit of giving toll throughout all Cornwall in fairs and markets and wherever they buy and sell.)

¹ MS. (photograph) is distinctly 'etiam,' although the printed copy reads 'et.'

DURHAM, 1153—81 (Hugh de Puiset, Bishop of Durham). Sciatis nos concessisse et...confirmasse Burgensibus nostris de Dunelmo quod sint liberi et quieti a consuetudine quod dicitur intoll et uttoll et de merchetis et herietis.

(Know ye that we have granted and confirmed to our burgesses of Durham that they be free and quit of the custom which is called in-toll and out-toll and of merchets and heriets.)

PEMBROKE, 1154—89 (Royal). Sciatis me preterea dedisse...eisdem burgensibus meis quietantiam de theloneo et pontagio et havenagio et omnibus consuetudinibus, nominatim apud Bristoll Gloucestriam Wyncestriam Devoniam Cornubiam Rothelam et per omnes terras meas et vestras quas de me tenetis in comitatibus in burgagiis in castellis in villis in oplondinis in mercatis in bosco in plano in viis in terris in aquis et in omnibus aliis locis.

(Know ye that I have moreover granted...to my said burgesses quittance from toll and pontage and havenage and all customs, that is to say, at Bristol Gloucester Winchester and in Devon and Cornwall and Rhuddlan, and through all my lands and through yours which you hold of me, in shires in burgages in castles in towns in uplands in markets in wood and in plain, in ways and in lands, in waters and in all other places.)

CARDIFF, 1147—83 (Robert and William, Earls of Gloucester). Et omnes burgenses et milites et libere tenentes predicti honoris debent esse quieti apud Gloucestriam et per totum comitatum Gloucestriae de consuetudine nisi de crudis coreis et pilosis pellibus.

(And all burgesses and knights and free tenants of the aforesaid honour ought to be quit at Gloucester, and through the whole county of Gloucester of custom, except for untanned hides and wool-fells.)

TEWKESBURY, 1147—83 (Robert and William, Earls of Gloucester). Quod ipsi quieti essent de theloneo et de custuma infra dominium predictorum Comitum in honore Gloucestriae et alibi in Anglia secundum quod antiquitus usi fuerint.

(That they should be quit of toll and custom within the demesne of the aforesaid Earls in the honour of Gloucester, and elsewhere in England, according to their ancient custom.)

LOSTWITHIEL, 1190—1200 (Robert de Cardinan). Insuper jamdicti burgenses et homines predictae villae et eorum heredes liberi et quieti remaneant ab omnibus sullagiis et terrenis consuetudinibus et marinis.

(Moreover, the aforesaid burgesses and the men of the aforesaid town and their heirs shall remain free and quit of all sullages and customs, both by land and sea.)

PONTEFRACT, 1194 (Roger de Lacy). Preterea dedi et concessi et...confirmavi eisdem burgensibus meis de Ponte fracto et heredibus et successoribus suis quietantiam de omni theloneo et consuetudine per totam terram meam pertinentem ad castelriam Pontis fracti et ad castelriam de Gliderho.

(Moreover, I have given and granted and confirmed to my said burgesses of Pontefract and their heirs and successors quittance of all toll and custom throughout all my land pertaining to the castelry of Pontefract and the castelry of Clitheroe.)

LEEDS, 1208 (Maurice de Painel).

Line 1. *Omit* et...confirmavi.

3. *Omit* et successoribus suis.

5. *For* castelriam...Gliderho *read* burgum de Leedes.

KELLS, 1194—1241 (Walter de Lacy). Illos liberos et quietos esse de theloneo per totam terram meam.

(I have granted them to be free and quit of toll throughout my whole land.)

OKEHAMPTON, 1194—1242 (Robert de Courtenay). Burgenses mei quieti erunt de theloneo per totam Devoniam ubi ego et heredes mei illos de jure warrantizare possumus et debemus¹.

(My burgesses shall be quit of toll through all Devon where I and my heirs can and should lawfully warrant them.)

CARDIGAN, 1199 (Royal). Quod sint quieti de theloneo et passagio et omnibus consuetudinibus quae ad nos pertinent per totam terram nostram excepta civitate Londonia a Natali proximo post coronationem nostram in quattuor annos ita tamen quod nobis fideles existant et sub dominatione nostra permaneant.

(That they shall be quit of toll and passage and all customs which pertain to us throughout the whole of our land except the city of London from the Christmas next after our coronation for four years, provided that they are faithful to us and remain under our rule.)

EGREMONT, c. 1202 (Richard de Luci). Item omnes burgenses et liberi eorum quieti erunt a theloneo in tota terra mea de propriis catallis burgensium.

(Item all the burgesses and their children shall be quit of toll in the whole of my land for their own chattels.)

¹ STRATFORD-ON-AVON, c. 1195 (John, Bishop of Worcester). And that they should be free of toll according to the custom of Bristol.

BIDEFORD, 1204—17 (Richard de Grenville). And I have also granted that all the burgesses of Bideford and every of them, in markets and fairs throughout all my lands town and waters, shall be quit and free from all toll custom censing and stallage to be given to me or any of mine.

FRODSHAM, 1209—28 (Ralph, Earl of Chester). Concedo etiam eisdem burgensibus quietem de Tolneto per totam terram meam tam per aquam quam per terram nisi de sale tantum. Salvis mihi et heredibus meis passuagio meo.

(I grant also to the said burgesses quittance of toll throughout the whole of my land, both by water and land, except for salt only. Saving to me and my heirs my passage.)

LEEK, 1209—28 (Ralph, Earl of Chester). Et quod predicti burgenses mei de Lach per totum Cestreshire sint liberi et quieti de tolneo in aquis in villis et in omnibus locis et etiam in civitate Cestria de omnibus mercandis excepto sale in Wychis.

Et quod quieti sint de passagio per tota communia de manerio de Lach.

(And that my aforesaid burgesses of Leek be quit and free of toll through all Cheshire in waters and in towns and in all places and even in the city of Chester, of all merchandises except toll of salt in the Wiches: and that they be quit of passage through all the commons of the manor of Leek.)

(9) Prohibition of Illegal Tolls

LEICESTER, 1118—35. (Writ of Henry I to sheriff etc. of Oxford.) Precipio quod homines Roberti comitis Leycestrie sint quieti apud Oxenefort per tales consuetudines quales reddebant tempore Roberti Comitis de Mellent. Et nullas alias consuetudines ab eis requiratis.

(I ordain that the men of Robert, Earl of Leicester, shall be quit at Oxford by the same customs as they used to pay in the time of Robert, Count of Meulan. And you shall require no other customs from them.)

LINCOLN, 1200. Prohibemus etiam ne quis ab eis theloneum vel consuetudinem capiat in Anglia de hiis quae ad nos pertinent super forisfacturam decem librarum, salvis in omnibus libertatibus civitatis Londoniae.

(We also forbid that any take toll or custom from them in England of those things that pertain to us, under a penalty of ten pounds, saving in all things the liberties of the city of London.)

IPSWICH, 1200. Prohibemus etiam quod nemo in tota terra nostra theloneum nec stallagium nec aliquam aliam consuetudinem ab hominibus Gipeswic capiat super forisfacturam nostram x librarum.

(We forbid also that any in the whole of our land take toll or stallage or any other custom from the men of Ipswich under forfeiture of ten pounds to us.)

AYR, 1202—7. Prohibeo itaque firmiter ne quis in regno meo ab aliquo illorum tolneium aut aliquam aliam consuetudinem de dominicis catallis suis exigit super meam plenariam forisfacturam.

(And I therefore forbid any in my kingdom taking from any of them toll or any other custom in respect of their own chattels under pain of full forfeiture to me.)

(10) Retaliation

LONDON, 1131. Et si quis theloneum vel consuetudinem a civibus Londoniarum ceperit, cives Londoniarum in civitate capiant de burgo vel de villa ubi theloneum vel consuetudo capta fuit, quantum homo Londoniarum pro theloneo dedit, et proinde de damno ceperit.

(And if any take toll or custom from the citizens of London, the citizens of London shall take in the city, from the borough or town where the toll or custom was taken, as much as the Londoner gave for toll, and in addition as much as he thereby lost.)

COLCHESTER, 1189.

Line 1. *Read* ab eis *for* a civibus Lond.

2. *Read* iidem burgenses *for* cives Lon.

Insert de civitate vel *after* capiant.

3. *Read* in qua *for* ubi.

4. *Read* burgenses dicti burgi *for* homo Lond.

Omit et...*end.*

Add vel quantum de damno per hoc habuerit.

LONDON, 1155¹. Et si quis in tota Anglia theloneum vel consuetudinem ab hominibus Londoniarum ceperit, postquam ipse a recto defecerit Vicecomes Londoniarum namium inde apud Londonias capiat.

(And if any in the whole of England take toll or custom from the men of London, after he has failed to redress, the Sheriff of London shall take distress therefor at London.)

LONDON, 1194.

LONDON, 1199.

Line 1. *For* in tota Anglia *read* in aliqua terrarumstrarum citra mare vel ultra sive in portibus maris citra mare vel ultra. *Before* consuetudinem *insert* aliquam aliam.

¹ Qu. B. C. I 120.

CANTERBURY, 1155—8. Line 3. Vicecomes Cantuariensis.
 NORTHAMPTON, 1189. Line 3. Prepositus Norhamtoniae.
 NORTHAMPTON, 1200. Line 3. Prepositus Norhamtoniae.
 WINCHESTER, 1190. (Merchant Guild only.)

Line 3. Vicecomes de Southantonia vel prepositus Wintoniae.
 WINCHESTER, 1215. (Merchant Guild only.) As 1190.

LINCOLN, 1194¹. Prepositus Lincolniae.

NORWICH, 1194. Prepositus Norwici.

NORWICH, 1199. Prepositus Norwici.

GLOUCESTER, 1200. To Merchant Guild only.

Line 3. Vicecomes de G. vel Prepositus de G.

4. *Add* Salvis libertatibus civitatis Londoniae.

CAMBRIDGE, 1201. As at Gloucester.

Line 1. *For* Anglia *read* terra nostra.

GRIMSBY, 1201.

Line 2. *After* ceperit *add* excepta ut superius civitate Londoniae.

3. Prepositus de Grimesby.

LYNN, 1204. As Grimsby. Prepositus de Lenn.

YARMOUTH, 1208. As Lynn. Prepositus de Gernemuth.

NEWCASTLE-ON-TYNE, 1216. To Merchant Guild only.

Line 1. *For* Anglia *read* terra nostra.

3. Vicecomes Northumberland vel prepositus Novi Castri.

BRISTOL, 1188. Et si aliquis alicubi in terra mea ceperit theloneum de hominibus Bristalli si non reddiderit postquam requisitus fuerit reddere prepositus Bristalli capiat inde namium apud Bristallum et distringat reddere.

(And if any person anywhere in my land take toll from the men of Bristol, if he does not return it when asked to return, the reeve of Bristol shall take distress thence at Bristol and distrain him to return it.)

DUBLIN, 1192.

Line 1. *After* terra *add* vel potestate.

2, 3. *For* Bristalli etc. *read* civitatis.

DUBLIN, 1200. As 1192.

KILKENNY, 1202—10. Si forte contigerit quod thelonium captum fuerit de aliquo burgense in terra mea vel potestate si ille qui ceperit reddere requisitus fuerit et contradixerit, per namia ejusdem loci unde ipse est si inventa fuerint apud Kylkenn' reddere distringatur.

(If by chance it should happen that toll should be taken of any burgess in my land or dominion, and if the taker be asked to return it, and refuse to do so, he shall be distrained to repay it by distress from the place to which he belongs if such can be found at Kilkenny.)

¹ Omitted in the Charter of 1200 and £10 penalty substituted, see p. 194.

(11) Reservation of Toll

WEARMOUTH, 1162—86. Hanc vero consuetudinem nobis retinuimus in piscibus emendis apud Weremue quam habet Robertus de Brus apud Herterpole de suis hominibus.

(But this custom, which Robert de Bruce has of his men at Hartlepool, we have retained for ourselves, in buying fish at Wearmouth.)

(12) Liberty of Access to Markets

BURFORD, 1147—73. Et quicunque ad mercatum venire voluerint, veniant, et in ipso mercato habeant licentiam emendi quaecunque voluerint preter lanam et coria nisi homines ipsius villae.

(And whoever wish to come to the market, shall come, and shall have liberty of buying in the same market whatever they wish, except wool and hides, unless they are men of the same town.)

BURFORD, 1087—1107. The parchment is defective: but part of the above is legible omitting from *venire* to *quaecunque voluerint*.

WINCHESTER, 1155—8. Et quicunque petierint civitatem illam cum mercatu suo, de quocunque loco sint, sive extranei sive alii, veniant morentur et recedant in salva pace mea, reddendo rectas consuetudines, et nemo eos injuste disturbet super hanc cartam nostram.

(And whosoever shall seek that city with his merchandise, whether foreigners or others, of whatever place they may be, they may come sojourn and depart in my safe peace, on paying the due customs, and none shall unjustly disturb them in defiance of this our charter.)

WINCHESTER, 1190.

Line 2. *For* illam *read* Wintoniae.

4. *Omit* eos injuste.

WINCHESTER, 1215.

Line 2. *For* mercatu *read* mercandisa.

3. *After* rectas *add* et debitas.

4. *For* et nemo...nostram *read* et prohibemus ne quis super hoc eis faciat impedimentum.

GLOUCESTER, 1200.

CAMBRIDGE, 1201. Line 4. *Omit* injuste.

LYNN, 1204.

Line 1. *After* quicunque *add* mercatores.

3. *After* alii *add* qui de pace nostra fuerint vel de licentia nostra in terram nostram venerint.

4. *After* consuetudines *add* illius burgi.
Omit et nemo *to end*.

YARMOUTH, 1208. As Lynn.

NEWCASTLE-ON-TYNE, 1216. As Winchester, 1215.

PEMBROKE, 1154—89. Et ut omnes qui ad forum meum de Pembroch' veniunt pacem meam firmam habeant de vado de Lantesey et de Stenetebrigge et de Grossa fossa ad Pentecoit et de passagio a nona sabbati usque ad solem die lunae levantem si pacem meam non forisfecerint.

(And that all who come to my market at Pembroke shall have my firm peace from the ford of Lantesey and from Stenetebridge and from the great foss to Pentecoit and from the ferry from Nones on Saturday till the rising of the sun on Monday, unless they have forfeited my peace.)

COVENTRY, 1181—6. Quoscunque autem mercatores secum ad villae emendationem adduxerint precipio ut pacem habeant et nullus eis injuriam faciat vel eos injuste in causam mittat.

Si vero aliquis extraneus mercator aliquod inconueniens in villa fecerit, in portimot coram iustitia supradicta sine causa illud dirigat.

(But whatever merchants they may bring in for the improvement of the town, I order that they shall have peace, and that none shall do them an injury or unjustly sue them.

But if any foreign merchant shall do any wrong in the town, he shall put the matter straight in the portmoot, before the above-mentioned justice, without any suit.)

COVENTRY, 1186.

Line 2. *Omit* precipio ut.

5. *For* portimot *read* portemannemot.
Read emendat *for* dirigat.

PORTSMOUTH, 1194. Concessimus etiam quod omnes homines nostri Angliae Normanniae Andegaviae Pictaviae Walliae Scotiae et omnium terrarum nostrarum et aliarum veniant ad predictas nundinas et eant et redeant ita bene et in pace et habeant omnes quietantias et libertates quas habent ad nundinas Wintoniae vel Hoilonde vel alibi in terra nostra.

(We have granted also that all our men of England Normandy Anjou Poitou Wales Scotland and of all our lands and of other lands shall come to the aforesaid fair, and shall go and return well and peaceably and shall have all the quittances and liberties which they have in the fairs of Winchester or Hoyland or elsewhere in our land.)

PORTSMOUTH, 1201. Line 3. *Omit* et aliarum.

MARLBOROUGH, 1204.

Line 2. *For* nostri...terrarum... et *read* omnium terrarum tam...quam.

3. *After* aliarum *read* qui de nostra pace sunt.
5. *After* nundinas *read* nostras.

PERTH, 1165—1214. Concedo etiam juste meam firmam pacem omnibus illis qui ligna vel materiem attrahunt ad Perth. Quare precipio ne quis eos disturbet ad ea vendenda vel emenda postquam intra unam leucatam prope Perth venerint.

(I grant also my firm peace to all those who bring wood or timber to Perth. Wherefore I command that none disturb them in buying or selling these things after they have come within a league of Perth.)

INVERNESS, 1199—1214. Meamque firmam pacem juste dedisse omnibus qui ad forum meum de Invernīs venient. Et prohibeo firmiter ne quis hiis qui ad forum meum venient in veniendo vel in redeundo injuriam vel molestiam vel gravamen aliquod injuste inferre presumat super meam plenariam forisfacturam.

(And that I have justly given my firm peace to all who shall come to my market of Inverness. And I firmly forbid any from unjustly presuming to do any injury or disturbance or hurt to those who shall come to my market either in coming or returning, under pain of my full forfeiture.)

AYR, 1202—7. Mando itaque et firmiter precipio ut omnes homines qui cum merchaturis suis ad vendendum et emendum ad illum predictum burgum meum venerint firmam pacem meam habeant et forum exercean et in bene et pace (*sic*) redeant.

(I command therefore and firmly ordain that all men who with their merchandise shall come to that my aforesaid burgh to sell or buy, shall have my firm peace and shall make use of the market, and shall return well and in peace.)

ABERDEEN, 1214. Meamque firmam pacem dedi juste omnibus probis hominibus qui ad forum illud venient. Et prohibeo ne quis eis in veniendo ad forum vel in redeundo injuriam vel molestiam aut gravamen injuste inferat super meam plenariam forisfacturam.

(And I have justly given my firm peace to all upright men who shall come to that market. And I forbid any from unjustly doing any injury or disturbance or hurt to them either in coming to the market or returning, under pain of my full forfeiture.)

(13) Free Navigation of Rivers

NOTTINGHAM, 1157. Et iter de Trent liberum esse debet navigantibus quantum pertica obtinebit ex utraque parte fili aquae.

(And the river Trent ought to be free to voyagers as far as a perch extends from each part of the stream of water.)

NOTTINGHAM, 1189.

NOTTINGHAM, 1200.

DERBY, 1204. *For Trent read Derwent.*

GLOUCESTER, 1163—74. Precipio quod homines de Gloecestria et omnes illi qui per flumen Savernae ire voluerint habeant chiminum et iter suum per Savernam cum lignis et carbonibus et meremio et omnibus mercaturis liberum et quietum.

(I order that the men of Gloucester and all those who wish to travel by the river Severn, shall have free and quiet road and passage on the Severn with their wood and coals and timber and all their merchandise.)

GLOUCESTER, 1194.

DROGHEDA, 1194. Concessi eis etiam aquam de Boing deliberandum a mari usque ad pontem de Atrum ab omni obstaculo et impedimento goidi¹ et stagni et piscaturae, ut cum batellis et mercaturis suis ire valeant et redire.

(I have also granted them the water of Boyne to be freed from the sea to the bridge of Atrum from all obstruction and hindrance of weirs and pools and fisheries, so that with their boats and merchandise they may go and return.)

LONDON, 1196. Noverit universitas vestra nos pro salute animae nostrae et pro salute animae Henrici Regis, patris nostri, et animarum antecessorum nostrorum, necnon et pro communi utilitate civitatis nostrae Londoniae, et totius regni nostri, concessisse et firmiter precepisse ut omnes kidelli qui sunt in Thamisia amoveantur ubicunque fuerint in Thamisia, et ne decetero kidelli alicubi ponantur in Thamisia: quietum etiam clamavimus omne id quod custodes turris nostrae Londoniae annuatim percipere solebant de predictis kidellis.

Quare volumus et firmiter precipimus ne aliquis custos prefatae turris aliquo tempore post hoc aliquid exigat ab aliquo, nec aliquam demandam aut gravamen vel molestiam alicui inferat occasione predictorum kidellorum.

Satis enim nobis constat et per venerabilem patrem nostrum Hubertum Cantuariensem archiepiscopum et per alios fideles nostros sufficienter datum est intelligi quod maximum detrimentum et incommodum predictae civitati nostrae Londoniae necnon et toto regno nostro occasione kidellorum illorum proveniebat.

(Know ye that, for the salvation of our soul, and for the salvation of the soul of King Henry our father, and of the souls of our ancestors, and also for the common utility of our city of London and of our whole realm, we have granted and firmly enjoined that all weirs which are on the Thames be removed, wherever they are on the Thames, and that henceforth no weirs be

¹ Cf. the guort on the Thames at Staines (D. B. i 128 b 1).

placed anywhere on the Thames: we have also quit-claimed all that the wardens of our tower of London were wont annually to receive from the aforesaid weirs.

Wherefore we will and firmly enjoin that no warden of the aforesaid tower shall at any time after this exact anything from anyone, nor make any demand or hurt or disturbance on anyone on account of the aforesaid weirs.

For we are well satisfied, and by our venerable Father Hubert Archbishop of Canterbury and our other lieges, we have been sufficiently given to understand that the greatest loss and inconvenience is caused to our aforesaid city of London and also to our whole realm on account of these weirs.)

LONDON, 1199. Lines 5, 6, 7. *After* Thamisia *add* vel in Medeway.

(14) Interference with Market

COLCHESTER, 1189. Prohibemus ne forum Colecestriae aliquo foro adultero impediatur sed sint fora et consuetudines in tali statu quam fuerint confirmatae juramento burgensium nostrorum Colecestriae coram justitiariis errantibus domini regis patris nostri.

(We forbid that the market of Colchester be hindered by any other adulterine market, but that the markets and customs be in such a state as they were confirmed by the oath of our burgesses of Colchester before the justices in eyre of our lord the king our father.)

V. MERCANTILE PRIVILEGES

B. GUILDS AND TRADING

(1) Merchant Guild

LEICESTER, 1103—18. Sciatis me concessisse mercatoribus meis Leycestrie gildam eorum mercatorum cum omnibus consuetudinibus quibus tenuerunt in tempore regis Willelmi et Regis Willelmi filii ejus et modo in tempore Henrici regis.

(Know ye that I have granted to my merchants of Leicester their guild of merchants with all the customs with which they held it in the time of King William and of King William his son, and now in the time of King Henry.)

LEICESTER, 1118—68. Concèdo etiam eis tenere gildam suam mercatoriam sicut melius unquam tenuerunt tempore patris mei.

(I grant also to them that they may hold their merchant guild as best they ever held it in the time of my father.)

LEICESTER, 1118—68. Sciatis me concessisse omnibus burgensibus meis Leycestrie guildam marcatoriam cum omnibus consuetudinibus quas habebant in tempore patris mei et antecessorum meorum.

(Know ye that I have granted to all my burgesses of Leicester their merchant guild with all the customs which they had in the time of my father and my ancestors.)

BEVERLEY, c. 1130. Volo ut burgenses mei de Beverlaco habeant suam hans-hus quam eis do et concedo ut ibi sua statuta pertractent ad honorem Dei et Sancti Johannis et canonicorum et ad totius villatus emendationem, eadem libertatis lege sicut illi de Eboraco habent in sua hans-hus¹.

(I will that my burgesses of Beverley shall have their hans-house, which I give and grant to them, that there they may consider their statutes to the honour of God and St John and the canons and to the improvement of the whole town, with the same law of liberty as they of York have in their hans-house.)

¹ For grant of Henry I see p. 23.

BEVERLEY, c. 1154. Deinde de libertatis lege concessi et dedi eisdem burgensibus ut habeant Gildam Marcandam eorum et placita eadem libertate et eadem consuetudine inter illos sicut illi de Eboraco inter eos. Et volo ut statuta illius domus sint ad proficuum totius villae et ad honorem Dei et Sancti Johannis et canonicorum et totius ejusdem villae.

(Then of the law of their liberty, I have granted and given to the said burgesses that they may have their Merchant Guild and pleas with the same liberty and custom between themselves as they of York have between themselves. And I will that the statutes of that house be to the profit of the whole town, and to the honour of God and St John and the canons and of the whole of the same town.)

LEWES, 1148. Notum vobis sit quod ego communi consilio prioris de Sancto Pancratio et baronum consulis reddidi burgensibus Lewiensibus mercatoriam ghildam cum omnibus consuetudinibus et dignitatibus quae ad illam pertinent tam quietam et liberam sicut habuerunt illam in tempore avi et patris mei per xx solidos reddendo annuatim prefecturae de Lewiis et tali conventionem quod si Deus comitem reducerit pro posse meo faciam quod ipse eis predicto pacto prefatam Ghildam concedet. Sin autem, faciam pro posse meo quod dominus meus Comes Willelmus filius Regis eis eandem concedet Ghildam.

(Be it known unto you that I by the common counsel of the Prior of St Pancras and of the barons of the Earl, have restored to the burgesses of Lewes their merchant guild with all the customs and dignities which pertain to it, as quietly and freely as they held it in the time of my grandfather¹ and father, by paying 20s. yearly to the reeve of Lewes, and on this agreement, that if God bring back the Earl (from the Holy Land) to the best of my power I will induce him to grant them the aforesaid guild by the said pact. But if not, to the best of my power, I will induce my Lord, Earl William the King's son, to grant them the same guild.)

BURFORD, 1147—73. Et gildam et consuetudines quas habent burgenses de Oxenfordia in gilda mercatorum.

(And their guild and the customs which the free burgesses of Oxford have in their guild of merchants.)

BURFORD, 1087—1107. Two last words only are legible.

BURFORD, 1156. *Before burgenses insert liberi.*

CHICHESTER, July 1155². Quare volo et firmiter praecipio quod ipsi habeant et teneant gildam suam cum omnibus libertatibus

¹ i.e. William de Warenne I died 1088.

² See also Chichester p. 4.

et consuetudinibus ad eam pertinentibus sicut melius solebat habere tempore Regis Henrici.

(Wherefore I will and firmly enjoin that they have and hold their guild with all the liberties and customs to it pertaining, as best they were wont to have it in the time of King Henry.)

OXFORD, 1156. Nominatim Gildam Mercatoriam cum omnibus libertatibus et consuetudinibus in terris et insulis et pasturis et aliis pertinentiis.

(Namely, their guild merchant with all its liberties and customs in lands and islands and pastures and other appurtenances.)

BEDFORD, 1189. Line 1. *After mercatoriam read suam.*
2. *Before aliis insert omnibus.*

WALLINGFORD, 1156. Scilicet, Gildam mercatoriam, cum omnibus consuetudinibus et legibus libere teneant, ne prepositus meus vel aliqua Justitia mea de gilda eorum se intromittat nisi proprie Aldermannus et minister eorum.

(That is to say, they shall have their merchant guild with all its customs and laws freely, so that no reeve or justice of mine shall intermeddle concerning their guild, except their own Alderman and minister.)

YORK, 1154—8. Et volo et firmiter precipio quod predictas libertates et consuetudines habeant et teneant cum omnibus libertatibus predictae Gildae suae et hansis suis ei pertinentibus ita bene et in pace et libere et quiete sicut unquam melius liberius et quietius habuerunt et tenuerunt tempore predicti regis Henrici avi mei¹.

(And I will and firmly enjoin that they have and hold the aforesaid liberties and customs with all the liberties of their aforesaid guild and its hanses to it pertaining, as well and peacefully and freely and quietly as they ever best and most freely and most quietly had and held them in the time of the aforesaid King Henry my grandfather.)

LINCOLN, 1157. Et gildam suam mercatoriam de hominibus civitatis et de aliis mercatoribus comitatus, sicut illam habuerunt tempore predictorum antecessorum nostrorum regum Angliae melius et liberius.

(And their merchant guild of the men of the city, and of other merchants of the county, as they best and most freely had it in the time of our aforesaid ancestors, the kings of England.)

¹ For Guild at Southampton see p. 6.

ANDOVER, 1175. Sciatis me concessisse hominibus de Andewra quod habeant gildam mercatoriam in Andewra.

(Know ye, that I have granted to the men of Andover that they have their merchant guild in Andover.)

ANDOVER, 1194.

ANDOVER, 1205. *For mercatoriam read mercatorum.*

SALISBURY, 1100—35 (Reconstructed). Line 1. *For quod read ut.*

SALISBURY, 1154—89 (Reconstructed). Line 1. *For quod read ut.*

SALISBURY, 1200. *Add sicut carta Regis Henrici avi patris nostri testatur.*

PEMBROKE, 1154—89. Omnes mercatores de comitatu de Pembroch per esguardiam burgensium meorum in gildam mercatoriam ipsorum intrent.

(All merchants of the county of Pembroke by the decision of my burgesses may enter into their merchant guild.)

CARLISLE, 1154—89 (Reconstructed). Et quod similiter habent gildam mercatorum liberam ita quod nihil inde respondeant aliquibus.

(And that they likewise have a free guild of merchants, so that they answer for it to none.)

PERTH, 1165—1214. Concedo etiam burgensibus eisdem meis de Perth ut habeant gildam suam mercatoriam exceptis fullonibus et telariis.

(I grant also to my said burgesses of Perth that they may have their merchant guild, except the fullers and weavers.)

ABERDEEN, 1214. Line 2. *For mercatoriam read merchatricem.*

ABERDEEN, 1171—84. Sciant presentes et futuri me concessisse et hac carta mea confirmasse burgensibus de Aberdoen et omnibus burgensibus de Moravia et omnibus burgensibus meis ex aquilonali parte de Munth manentibus liberum ansum suum tenendum ubi voluerint et quando voluerint ita libere et quiete plenarie et honorifice sicut antecessores eorum tempore Regis David avi mei ansum suum liberius et honorificentius habuerunt.

(Know all men present and future, that I have granted and by this my charter have confirmed to the burgesses of Aberdeen and to all the burgesses of Moray and to all my burgesses on the Northern side of the Munth their free hanse to be held where they will and when they will, as freely and quietly, fully and honourably as their ancestors in the time of King David my grandfather most freely and honourably had their hanse.)

BRISTOL, 1188. Et quod habeant omnes rationabiles gildas suas sicut melius eas habuerunt tempore Roberti et Willelmi filii sui comitum Gloucestriae.

(That they shall have all their reasonable guilds as they best had them in the time of Robert and William his son, Earls of Gloucester.)

DUBLIN, 1192. *After* sicut *read* burgenses de Bristoll habent vel melius habere consueverunt.

DUBLIN, 1200. As 1192.

NOTTINGHAM, 1189. Concessi et hac carta mea confirmavi liberis burgensibus meis Gildam Mercatorum cum omnibus libertatibus et liberis consuetudinibus quae ad Gildam Mercatorum debent vel solent pertinere.

(I have granted and by this my charter have confirmed to my free burgesses their Guild of Merchants with all the liberties and free customs which to a guild of merchants ought or are wont to pertain.)

NOTTINGHAM, 1200. Line 2. *Before* liberis *insert* eisdem.

DERBY, 1204.

CHESTER, 1190—1212. Notum sit vobis omnibus me dedisse et concessisse...omnibus civibus meis de Cestria Gildam suam mercalem cum omnibus libertatibus et liberis consuetudinibus quas illi unquam melius et liberius et quietius habuerunt temporibus antecessorum meorum in predicta gilda.

(Be it known unto you all that I have given and granted to all my citizens of Chester their merchant guild with all the liberties and free customs which they ever best and most freely and most quietly had in the times of my ancestors in the aforesaid guild.)

IPSWICH, 1200. Quod habeant gildam mercatoriam et hansam suam.

(That they may have their merchant guild and their hanse.)

HELSTON, 1201¹. *Before* habeant *read* burgenses nostri in eadem villa. *Omit* et hansam suam.

DUNWICH, 1200. Concessimus etiam eis hansam et gildam mercatoriam sicut habere consueverunt.

(We have also granted to them their hanse and merchant guild as they were wont to have.)

DUNWICH, 1215. Sciatis nos concessisse...probis hominibus et Burgensibus nostris Dunewic et heredes eorum...gildam mercatoriam

¹ TOTNES, 1199—1216. As Helston.

cum hansa et aliis consuetudinibus et libertatibus ad gildam illam pertinentibus.

(Know ye that we have granted to our upright men and burgesses of Dunwich and their heirs their merchant guild with hanse and other customs and liberties to that guild pertaining.)

HEREFORD, 1215. *For* sciatis...eorum *read* quod habeant.

CAMBRIDGE, 1201. Sciatis nos concessisse et presenti carta confirmasse burgensibus nostris de Cantebruge gildam mercatoriam.

(Know ye that we have granted and by this present charter have confirmed to our burgesses of Cambridge, their merchant guild.)

LYNN, 1204. Concessimus etiam gildam mercatoriam.

(We have granted them also a merchant guild.)

MARLBOROUGH, 1204.

After etiam *insert* predictis burgensibus de Merleberg.

After gildam *insert* suam.

YARMOUTH, 1208.

NEWCASTLE-ON-TYNE, 1216.

KILKENNY, 1202—10. Liceat Burgensibus meis Gyl dam mercatoriam et alias gildas habere et suos scotenos cum omni libertate ad ipsos spectante sicut consuetudo est aliarum bonarum villarum.

(It shall be lawful for my burgesses to have a merchant guild and other guilds, and their scoteni with every liberty relating to them as is the custom of other good towns.)

INISTIOGE, *after* 1206.

Line 1. *Omit* meis.

2. *For* omni libertate *read* omnibus libertatibus.

3. *For* spectante *read* spectantibus.

(2) Craft Guilds

LONDON WEAVERS, 1155—8. Sciatis me concessisse Telariis Londoniarum Gildam suam in Londoniis habendam cum omnibus libertatibus et consuetudinibus quas habuerunt tempore Regis Henrici avi mei: et ita quod nullus nisi per illos se intromittat infra civitatem de eo ministerio, et nisi sit in eorum Gilda, neque in Sudwerke, neque in aliis locis Londoniis pertinentibus, aliter quam solebat fieri tempore Regis Henrici avi mei.

Quare volo et firmiter praecipio quod ubique legaliter tractentur et habeant omnia supradicta ita bene et in pace et libere et honorifice et integre sicut unquam melius et liberius et honorificentius et integrius habuerunt tempore Regis Henrici avi mei.

Ita quod singulis annis inde reddant mihi duas marcas auri ad festum Sancti Michaelis.

Et prohibeo ne quis eis super hoc aliquam injuriam vel contumeliam faciat supra decem libras forisfacturae.

(Know ye that I have granted to the Weavers of London their guild in London to be had with all the liberties and customs which they had in the time of King Henry my grandfather; so that none except by their permission, intermeddle within the city with that trade, and unless he be in their guild, nor in Southwark, nor in the other places pertaining to London, otherwise than was wont to be done in the time of King Henry my grandfather.

Wherefore I will and firmly command that everywhere they may lawfully consider and have all the aforesaid privileges as well and peaceably and freely and honourably and fully as ever they best had them in the time of King Henry my grandfather.

Provided that every year they pay me two marks of gold on that account at Michaelmas.

And I forbid that any do them any injury or insult on this matter on pain of a forfeiture of £10.)

OXFORD CORDWAINERS, *c.* 1175. Sciatis me concessisse et...confirmasse corvesariis de Oxonia omnes libertates et consuetudines quas habuerunt tempore Regis Henrici avi mei et quod habeant gildam suam, Ita quod nullus faciat officium eorum in Villa de Oxonia nisi sit de Gilda illa.

Concedo etiam quod corduanarii qui postea venient in villam de Oxonia sint de ipsa gilda et habeant easdem libertates et consuetudines quas corvesarii habent et habere debent.

Pro hac autem concessione et confirmatione corvesarii et corduanarii debent mihi reddere singulis annis unam unciam auri¹.

(Know ye that I have granted and confirmed to the corvesars of Oxford all the liberties and customs which they had in the time of King Henry my grandfather, and that they have their guild, so that none carry on their trade in the town of Oxford, except he be of that guild.

I grant also that the cordwainers who afterwards may come into the town of Oxford shall be of the same guild and shall have the same liberties and customs which the corvesars have and ought to have.

For this grant and confirmation, however, the corvesars and cordwainers ought to pay me every year an ounce of gold¹.)

LONDON WEAVERS, 1202. Sciatis nos ad petitionem maioris et civium nostrorum Londoniae concessisse et presenti carta confirmasse quod Gilda Telaria non sit decetero in civitate nostra Londoniae nec

¹ Confirmation in Calendar Charter Rolls II 34.

Line 4. *After suam add sicut tunc habuerunt.*

ullatenus suscitetur. Quia vero consuevimus annuatim percipere decem et octo marcas argenti de gilda illa telaria singulis annis reddent predicti cives nobis et heredibus nostris viginti marcas argenti numero in festo Sancti Michaelis ad scaccarium nostrum.

(Know ye that at the petition of our Mayor and citizens of London we have granted and by this present charter confirmed that the Weavers' Guild shall not exist henceforth in our City of London, nor shall it on any account be revived. But because we have been wont to receive yearly 18 marks of silver from that Weavers' Guild, the aforesaid citizens shall pay every year to us and our heirs 20 marks of silver at the feast of St Michael at our Exchequer¹.)

(3) Monopoly of Trade to Guild

CHICHESTER, March, 1155. Et nullus ibi aliquid emat vel vendat aliter quam solebat fieri tempore ejusdem regis (i.e. Henrici avi mei).

(And none shall buy or sell anything there otherwise than he was wont to do in the time of the same king.)

CHICHESTER, July, 1155. Et nullus in civitate Cicestria vendat pannos per detaillum nisi sit de gilda mercatorum, sicut idem rex Henricus per breve suum precepit.

(And none in the city of Chichester shall sell cloth by retail except he be of the Merchant guild, as the same King Henry commanded by his writ.)

OXFORD, 1156. Ita quod aliquis qui non sit de Gilda illa aliquam mercaturam non faciet in civitate vel suburbio nisi sicut solebat tempore regis Henrici avi mei.

(So that none who is not of that guild shall do any traffic in the city or suburbs except as he was wont in the time of King Henry my grandfather.)

BEDFORD, 1189.

Line 2. *For* faciet...suburbio *read* faciat cum eis in civitate vel burgo vel villa vel in socagiis.

HEREFORD, 1215.

Line 1. *For* ita *read* et.

For aliquis *read* nullus.

2. *For* mercaturam *read* mercandisam.

For sicut...mei *read* de voluntate eorundem civium.

¹ For charters of Henry I to the Cordwainers of Rouen and Henry II to Tanners of that city, see *Calendar of Documents preserved in France*, Nos. 107 and 108. For the laws of the Fullers of Winchester, Marlborough, Oxford and Beverley temp. John, see *Beverley Town Documents*, p. 153.

WALLINGFORD, 1156. Prohibeo etiam et precipio ne aliquod mercatum sit in Craumersa nec Mercator aliquis nisi sit in Gilda Mercatorum: et si aliquis exierit de burgo Walingefordiae et vivat de mercato ipsius Walingefordiae precipio ut rectum Gildae Mercatorum faciat ipsis burgensibus ubicunque sit infra burgum vel extra.

(I forbid also and order that there shall be no market in Crowmarsh and no merchant except he be in the guild of Merchants. And if any go out of the borough of Wallingford, and live of his traffic in the same Wallingford, I command that he shall pay his due to the same burgesses of the guild of Merchants, wherever he may be within or without the borough.)

LINCOLN, 1154—63. Precipio quod nullus Mercator qui sit extraneus et de foris sit residens in Lincolnia pro tingendis pannis suis vel vendendis ad taleam, nisi illi tantum qui sunt in gilda et ad omnes consuetudines villae et qui reddunt gelda mea cum eis sicuti solebant tempore Henrici Regis.

(I order that no merchant who is a stranger and out of the liberties shall be resident in Lincoln for the purpose of dyeing his cloths or selling them by retail, save only they who are in the guild and liable to all the customs of the town, and who pay my gelds with them, as they were wont in the time of King Henry.)

PERTH, 1165—1214. Prohibeo etiam firmiter ne quis manens extra burgum meum de Perth in vicecomitatu de Perth faciat pannum tinctum vel mixtum intra vicecomitatum de Perth nec facere faciat praeter burgenses meos de Perth qui sunt in gilda mercatoria et communicant ad auxilia mea cum burgensibus solvenda exceptis illis qui de hac libertate cartam suam hucusque habuerunt. Quare firmiter prohibeo ne quis in vicecomitatu de Perth facere presumat pannum tinctum vel tonsum super plenariam meam forisfacturam. Si vero aliquis pannus tinctus vel tonsus fuerit factus super hanc defensionem precipio vicecomiti meo de Perth quatenus capiat pannum et inde faciat secundum consuetudinem quae fuit tempore David Regis avi mei.

(I also firmly forbid that anyone residing outside my burgh of Perth in the sheriffdom of Perth shall make any dyed or mixed cloth within the county of Perth nor shall cause it to be made, except my burgesses of Perth who are in the merchant guild and share with the burgesses in the payment of my aids, except those who have had their charter of this liberty before this date. Wherefore I firmly forbid that any in the sheriffdom of Perth shall presume to make dyed or shorn cloth on pain of my full forfeiture. If any dyed or shorn cloth should be made in spite of this prohibition, I order my sheriff of Perth to take the cloth and deal with it according to the custom which was in the time of King David my grandfather.)

ABERDEEN, 1214.

- Line 3. *For mixtum read tonsum.*
For intra vicecomitatum read in vicecomitatu.
For nec read vel.
 5. *After burgensibus add de Aberden.*
For solvenda read reddenda.
 9. *For aliquis read alicujus.*
 10. *Omit de Perth.*
 11. *For consuetudinem quae read quod consuetudo.*
 12. *For avi read proavi.*

(4) Monopoly of Trade to Burgess. Regulations for Foreign Merchants

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Mercator aliquis nisi burgensis non potest [extra] villam emere nec lanam nec coria nec mercatoria alia nec infra nisi burgensibus.

Nullus nisi burgensis poterit emere telas ad tingendas nec facere nec secare.

(No merchant except a burgess shall outside the town buy wool or hides or other merchandise, nor shall he buy them within the town, except of burgesses.

None except a burgess can buy cloth to dye or make or cut.)

LEGES QUATTUOR BURGORUM.

- Line 1. *For Mercator...non read Nullus mercator alienus.*
 4. *For poterit read potest.*
For tingendas read tingendam.
For telas read lanam.
Before facere insert pannum.

NEWCASTLE-ON-TYNE, 1100—35 (B-text)¹. Item mercatori forinseco non licet emere nec in foro nec apud rus nec lanam nec coria nec cetera.

Nullus forinsecus debet emere pannum ad tingendum nisi sit de consuetudine burgi.

Nullus forinsecus potest scindere piscem ad vendendum.

(Item, a foreign merchant shall not be allowed to buy wool or hides or other things either in the market or in the country. No foreigner may buy cloth to dye except he be of the custom of the borough. No foreigner may cut up fish for sale.)

¹ Omitted at Wearmouth.

TEWKESBURY, 1147—83. Ita quod nullus extraneus emeret blada in burgo predicto nec in granario poneret seu teneret ultra octo dies videlicet inter gulam Augusti et festum Omnium Sanctorum quod si fecerit et de eo committetur, amerciaretur ad voluntatem predictorum comitum vel ballivorum suorum, nec post festum Omnium Sanctorum ad gulam Augusti emeret blada ad ponenda et tenenda in granario nec carialet per aquam sine licentia predictorum Comitum vel ballivorum de burgo predicto et custumas solvendo.

(Provided that no stranger should buy corn in the borough aforesaid or place or keep it in a granary for more than eight days, to wit between the gules of August and the feast of All Saints; but if he does so, and is committed for that offence, he shall be in mercy at the will of the aforesaid Earls or their bailiffs; nor after the feast of All Saints to the gules of August should he buy corn to place and keep in a granary nor carry it by water without the license of the Earls aforesaid or the bailiffs of the borough aforesaid, and paying the customs.)

SWANSEA, 1153—84. Nullus mercator advena scindat pannos ad detaylle nec emat pelles nec cutes nisi de burgense.

(No foreign merchant shall cut cloths (for sale) by retail nor buy skins or hides except of a burgess.)

WELLS, 1174—80. Inhibemus etiam ne aliquis in eadem villa pelles crudas vel coria cruda emere presumat nisi fuerit in luna¹ et lagha burgensium Wellarum.

(We forbid also any from presuming to buy untanned skins or hides in the same town unless he be in the community and law of the burgesses of Wells.)

WELLS, c. 1201. Line 1. *For etiam read autem.*

For eadem villa read eodem burgo.

3. *For Wellarum read Wellensium.*

BRISTOL, 1188. Quod nullus extraneus mercator emat infra villam de homine extraneo coria blada vel lanam nisi de burgensibus.

(That no foreign merchant shall buy in the borough of a foreign man hides corn or wool except of a burgess.)

DUBLIN, 1192. *For burgensibus read civibus.*

DUBLIN, 1200. *For burgensibus read civibus.*

BRISTOL, 1188. Quod nullus extraneus...vendat pannum ad decisionem nisi in nundinis.

(That no foreigner sell cloth by retail except at fairs.)

DUBLIN, 1192. *For decisionem read scindendum.*

Omit nisi in nundinis.

DUBLIN, 1200. *As 1192.*

¹ See Glossary.

BRISTOL, 1188. Et quod nullus extraneus moretur in villa cum mercibus suis propter merces suas vendendas nisi per quadraginta dies.

(And that no foreign merchant sojourn in the town with his merchandise for the sake of selling his merchandise except for forty days.)

DUBLIN, 1192. Line 2. *For* propter...vendendas *read* pro mercibus suis vendendis.

DUBLIN, 1200. As 1192.

INVERNESS, 1171—97. Prohibeo etiam ne quis emat aut vendat in burgo illo aut in vicecomitatu illo extra burgum aliquam mercaturam exerceat nisi fuerit burgensis aut stalagarius ejusdem burgi aut per gratum burgensium hoc fecerit.

(I forbid also any from buying or selling within that burgh or doing any trade in that sheriffdom without the burgh, unless he be a burgess or stallholder of the same burgh, or do it by favour of the burgesses.)

PERTH, 1165—1214. Prohibeo etiam firmiter ne quis mercator extraneus secet pannum suum ad vendendum in burgo meo de Perth nisi a die Ascensionis Domini usque ad Vincula S. Petri intra quos terminos volo ut ipsi secent pannos suos ad vendendum in foro de Perth et ibi emant et vendant pannos et alias mercandisas suas communiter cum burgensibus meis sicut dominici burgenses mei salvis rectitudinibus meis.

(I also firmly forbid any foreign merchant from cutting his cloth for sale in my burgh of Perth, except between Ascension Day and the feast of St Peter's chains, within which terms I will that they may cut their cloth for sale in the market-place of Perth and there buy and sell cloths and their other merchandises in common with my burgesses, as if they were my dominical burgesses, saving my rights.)

ABERDEEN, 1214.

Line 2. *For* burgo *read* foro.

4. *For* pannos suos *read* pannum suum.

5. *For* mercandisas *read* merchaturas.

OKEHAMPTON, 1194—1242. Nemo nisi sit de burgo corium viride emat in burgo nec aliquod tallium faciat.

(None, unless he be of the borough, shall buy green hide in the borough nor do any retail trade.)

KILKENNY, 1202—10. Nulli mercatori extraneo liceat discisionem pannorum facere vel tabernam vinorum habere in villa Kylkenn' nisi per quadraginta dies, et si amplius hujusmodi tantum faciat per communionem burgensium ad proficuum villae remaneat¹.

¹ Kilkenny text is corrupt and should be corrected by Inistioige.

(No foreign merchant shall be allowed to cut cloth or have a tavern for wines in the town of Kilkenny except for forty days, and if he wish to have a longer sojourn, he shall, by the common consent of the burgesses, pay so much for the profit of the town, that he may remain.)

INISTIOGE, after 1206.

Line 3. *After hujusmodi insert habere voluerit.*

4. *For burgensium read burgi.*

Before remaneat insert quod.

CHESTER, 1208—26. Quod nullus aliquod genus mercimonii quod ad civitatem Cestrie per mare aut per terram venerit, emat aut vendat nisi ipsi et eorum heredes, aut per eorum gratum, nisi in nundinis assisis in Nativitate St Johannis Baptistae et in festo St Michaelis.

(That none buy or sell any kind of ware which has come to the city of Chester either by sea or by land, except themselves and their heirs or by their permission, and except at the fair appointed on the Nativity of St John the Baptist and at Michaelmas.)

(5) Liberty to Trade

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Si navis apud Tinemue applicuerit quae velit discedere, licet burgensibus emere quod voluerint.

(If a ship touch at Tynemouth which wishes to depart, the burgesses may buy what they wish.)

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si navis applicuerit apud Tinemue quae non abire voluerit consilio burgensium potest quilibet emere mercem de illa navi.

(If a ship touch at Tynemouth, which does not wish to go away, by the advice of the burgesses, any may buy wares from that ship.)

WEARMOUTH, 1162—86. Si navis apud Weremue applicuerit quae abire voluerit, quilibet burgensis quamlibet mercem de illa navi emat, si quis ei vendere voluerit.

(If a ship touch at Wearmouth which wishes to depart any burgess may buy any ware from that ship, if any is willing to sell to him.)

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Burgensis potest bladum suum ducere ex patria sine licentia quo voluerit.

(A burgess may export corn whither he will, without license.)

WEARMOUTH, 1162—86.

Line 1. *For burgensis potest read burgensi licet.*

2. *For ex read de.*

Add at end nisi commune interdictum domini episcopi totam terram de non educendo factum fuerit.

(Unless a common interdict of the lord bishop be laid on the whole land, forbidding export.)

EDINBURGH (Canongate), 1124—53. Et concedo ut burgenses eorum (i.e. monachorum de Holyrood) habeant communionem vendendi res suas venales et emendi in foro meo libere et absque calumnia et consuetudine sicut mei proprii burgenses.

(And I grant that their burgesses shall have fellowship of selling their saleable things and of buying in my market freely and without challenge and without custom as my own burgesses.)

CHESTER, 1171. Precipio quod burgenses Cestrie possint emere et vendere ad detaillum apud Duuelinam habendo et faciendo easdem consuetudines quas faciebant tempore regis Henrici avi mei et easdem ibi habeant rectitudines et libertates et liberas consuetudines quas tempore illo habere solebant.

(I order that the burgesses of Chester may buy and sell by retail at Dublin on having and paying the same customs which they were wont to pay in the time of King Henry my grandfather, and they shall have there the same rights and liberties and free customs which they were wont to have at that time.)

CHESTER, 1189—99. (Addressed to Justiciar of Ireland.) Precipio quod ipsi libere et quiete possint emere et vendere infra burgum et extra sine omni vexatione et gravamine et molestia salvis inde rationalibus consuetudinibus meis.

(I order that they shall freely and quietly buy and sell within and without the borough free from any vexation and annoyance and disturbance, saving my reasonable customs in that respect.)

PONTEFRAC, 1194. Omnis burgensis poterit ducere annonam per aquam et per terram quocunque voluerit et omnia alia mercimonia sine consuetudine et occasione nisi prohibetur a domino vel ballivis suis.

(Every burgess may transport corn by land and water whither he will, and all other wares without custom or hindrance, unless he is forbidden by the Lord or his bailiffs.)

LEEDS, 1208.

Line 1. *For omnis...poterit read licuerit omnibus burgensibus.*

For annonam read annonariam.

LEICESTER, 1199. Quod libere et sine impedimento omni eant et redeant et negotientur per totam terram nostram cum omnibus rebus et mercandis suis salvis nobis et aliis debitis et justis consuetudinibus.

(That they may freely and without hindrance go and return and traffic throughout the whole of our land with all their goods and wares, saving to us and others our due and just customs.)

EGREMONT, c. 1202. Item, licet burgensibus emere quicquid voluerint infra burgum et vendere sine alicujus licentia.

(Item, it is lawful for burgesses to buy whatever they will within the borough, and to sell without license of any person.)

SWANSEA, 1215. Quod eant et veniant per totam terram nostram cum omnibus mercandis suis emendo et vendendo et negotiando bene et in pace libere quiete et honorifice.

(That they may go and come throughout all our land with all their wares, buying selling and trafficking well and peacefully, freely quietly and honourably.)

BRIDGENORTH, 1215. Quod eant et veniant per totam terram nostram Angliae et faciant omnia genera merkandisarum emendo et vendendo et negotiando libere quiete bene et pacifice in nundinis et mercatis in civitatibus et burgis et omnibus locis.

(That they may go and come throughout all our land of England and may do all kinds of trading in buying and selling and bargaining, freely quietly well and honourably, in fairs and markets, in cities and boroughs and in all places.)

DROITWICH, 1215. Et quod emant et vendant omnia genera mercandisarum per totam terram nostram Angliae in civitatibus in burgis et aliis locis in foro et extra forum.

(And that they may buy and sell all kinds of merchandise throughout all our land of England in cities in boroughs and other places, in market and out of market.)

(6) Monopoly of Keeping Inn¹

BRISTOL, 1188. Et quod nullus extraneus habeat tabernam nisi in navi.

(And that no stranger shall have a tavern except in a ship.)

DUBLIN, 1192. *After* tabernam *add* de vino.

DUBLIN, 1200.

¹ See also Kilkenny and Inistioge p. 213.

LOSTWITHIEL, 1190—1200. Nullus vero advena tabernam extra navem scilicet in villa teneat, nisi per licentiam prepositi et totius villatae.

(No stranger shall keep a tavern out of a ship, i.e. in the town, except by license of the reeve and the whole township.)

PERTH, 1165—1214. Prohibeo etiam ne quis aliquam tabernam habeat in aliqua villa intra vicecomitatum de Perth nisi ubi miles sit dominus villae et in eadem manens et ibi non habeat nisi unam solam tabernam.

(I forbid also that any keep any tavern in any town within the sheriffdom of Perth, except where a knight is lord of the town and residing in it, and there he shall have only one tavern.)

ABERDEEN, 1214.

Line 1. *For* quis...habeat *read* aliqua taberna habeatur.

For intra vicecomitatum *read* in vicecomitatu.

3. *For* eadem *read* ea.

For habeat *read* habeatur.

For unam solam tabernam *read* una sola taberna.

INVERNESS, 1199—1214. Prohibeo etiam firmiter ne aliqua taberna habeatur in aliqua villa campestri extra burgum meum nisi in villa ubi miles dominus villae sit manens et tunc habeatur ibi taberna secundum assisam Regis David avi mei et meam.

(Also, I firmly forbid that any tavern shall be kept in any rural town outside my burgh, except in a town where a knight is resident lord of the town, and then the tavern there shall be kept in accordance with the assize of King David, my grandfather and my own assize.)

(7) Dispute between Burgess and Merchant

NEWCASTLE-ON-TYNE, 1100—35 (A-text). Inter burgensem et mercatorem si placitum oriatur, finiatur ante tertiam refluxionem maris.

(If a plea arise between a burgess and a merchant, it shall be determined before the third ebb of the tide.)

LEGES QUATTUOR BURGURUM.

Line 2. *For* finiatur *read* terminari debet.

NEWCASTLE-ON-TYNE, 1100—35 (B-text). Si placitum motum fuerit inter burgensem et mercatorem itinerantem infra tertiam maris influxionem rectum inter se faciant.

(If a plea be moved between a burgess and a travelling merchant, they shall do right between themselves before the third flow of the tide.)

WEARMOUTH, 1162—86.

Line 2. *Omit* motum.

For itinerantem *read* errantem.

(8) Scavage

CANTERBURY, 1155—8. Et de Esscewinga ita sit res sicut fuit tempore regis Henrici avi mei.

(And the custom with respect to scavage¹ shall be as it was in the time of King Henry my grandfather.)

(9) Purchases of Stolen Property

PEMBROKE, 1154—89. Quamcunque mercaturam aliquis burgensium predictorum emerit si aliquis eam furto sublatam clamet, per juramentum et per testes suos se acquietabit et catallum illud perdat quod pro eadem dedit.

(If any of the aforesaid burgesses buy any merchandise and any man claims that it was stolen from him, the burgess shall clear himself by his oath and his witnesses, and shall only lose the money that he paid for it.)

CHESTER, 1190—1212². Et quod si civis fecerit emptionem aliquam de clara die et coram testibus et sequela postea venerit de Francigenis vel de Anglicis qui possit rationabiliter emptum disrationare, civis qui illam emptionem fecerit quietus sit de me et Ballivis meis perdendo tantummodo et reddendo quod emerit, si aliter non possit vendicanti satisfacere.

Si vero sequela evenerit de Wallense qui possit rationabiliter rem emptam disrationare pretium rei empti civi reddat quod idem civis rationabiliter possit demonstrare se dedisse pro re empto.

(And if a citizen make a purchase in daylight and before witnesses, and suit afterwards be made by a Frenchman or an Englishman reasonably laying claim to the said purchase (as being stolen), the citizen who made the purchase shall be quit as against me and my bailiffs, by merely losing and returning the goods bought, if he cannot otherwise satisfy the claimant.

But if the suit be made by a Welshman who can reasonably prove his claim to the goods purchased, he must pay the citizen such price for the thing bought as the said citizen can reasonably show that he paid for it.)

¹ i.e. Tolls for exposing goods.

² Qu. B. C. 1 57.

HAVERFORDWEST, 1189—1219. Item si res furtiva ematur in burgo suo de clara die coram testibus data inde consuetudine et ipsa res postea vindicetur emptor inde habeat warrantum suum si potest sin autem et res illa probata fuerit fuisse alterius hominis tunc emptor tantam perdat pecuniam quam pro re illa dedit sine alia misericordia et sine alio damno.

(Item, if a stolen article is bought in their town in broad day in the presence of witnesses and dues are paid hereon, and the same thing is afterwards claimed, the buyer shall have warrant for it, if possible, but if not, and the article should be proved to belong to another man, then the buyer shall lose so much money as he has given for the article without any other fine, or loss.)

VI. BOROUGH FINANCES

(1) Firma Burgi

LONDON, 1131. Sciatis me concessisse civibus meis Londoniarum tenendum Middlesex ad firmam pro ccc libris ad compotum, ipsis et heredibus suis de me et heredibus.

(Know ye that I have granted Middlesex to my citizens of London, to be held at farm for £300 by tale, to them and their heirs of me and my heirs.)

LONDON, 1199. Sciatis nos concessisse et presenti carta nostra confirmasse civibus Londoniarum Vicecomitatum Londoniarum et de Middelsexia cum omnibus rebus et consuetudinibus quae pertinent ad predictum Vicecomitatum infra civitatem et extra per terras et per aquas habendum et tenendum eis et heredibus suis finabiliter de nobis et heredibus nostris, reddendo inde annuatim nobis et heredibus nostris ccc libras sterlingorum blancorum duobus terminis anni scilicet ad scaccarium Paschae c et 1 libras et ad scaccarium S. Michaelis c et 1 libras salvis civibus Londoniarum omnibus libertatibus et liberis consuetudinibus suis.

(Know ye that we have granted and by our present charter have confirmed to the citizens of London the Sherifffdom of London and of Middlesex with all things and customs which pertain to the said Sherifffdom within the city and without by land and by water to be had and holden to them and their heirs for ever of us and our heirs, rendering thence yearly to us and our heirs £300 sterling, of blanched money, at the two terms of the year, to wit, at the Easter Exchequer £150, and at the Michaelmas Exchequer, £150, saving to the citizens of London all their liberties and free customs.)

RICHMOND, 1137—45. Volo vobis notum fieri me (Alanum comitem Britanniae) concessisse et dedisse imperpetuum burgensibus meis de Richemont Burgum meum et terram de Fontenais in feudo firma reddendo mihi in singulis annis xxix libras.

(I wish to make known to you that I (Count Alan of Brittany) have granted and given for ever to my burgesses of Richmond, my borough and the land of Fontenais in fee farm, rendering thence to me £29 in every year.)

LINCOLN, 1155—8. Sciatis me liberasse civitatem meam Lincolniam civibus meis ejusdem civitatis ad illam firmam ad quam solebat esse tempore regis Henrici avi mei cum omnibus consuetudinibus et libertatibus eidem civitati pertinentibus in civitatem et extra.

(Know ye that I have delivered my city of Lincoln to my citizens of the said city at that farm at which it was wont to be in the time of King Henry my grandfather, with all the liberties and customs to the said city pertaining within the city and without.)

LINCOLN, 1194. Quare volumus et firmiter precipimus quod ipsi et heredes eorum haec omnia predicta habeant et teneant hereditarie de nobis et heredibus nostris reddendo per annum novies viginti libras numero de Lincolnia cum omnibus pertinentiis ad scaccarium nostrum duobus terminis ad Pascha scilicet et ad festum Sancti Michaelis per manum prepositi Lincolniae.

(Wherefore we will and firmly command that they and their heirs have and hold all the aforesaid (rights) in inheritance of us and our heirs, rendering thence every year nine-score pounds by tale from Lincoln with all its appurtenances at our Exchequer at the two terms, to wit, at Easter, and at Michaelmas, by the hands of the reeve of Lincoln.)

LINCOLN, 1200. Line 6. *For prepositi read prepositorum.*

CAMBRIDGE, 1185. Sciatis me tradidisse ad firmam burgensibus meis de Cantebruge villam meam de Cantebruge tenendam de me in capite per eandem firmam quam vicecomites mihi reddere solebant et ut ipsi inde ad scaccarium meum respondeant...Nolo enim quod ipsi alicui inde respondeant nisi mihi et ad scaccarium meum.

(Know ye that I have delivered at farm to my burgesses of Cambridge my town of Cambridge to be held of me in chief by the same farm as the sheriffs were wont to pay me, so that they themselves shall answer for it at my Exchequer...For I will not that they shall answer for it to any except to me and at my Exchequer.)

CAMBRIDGE, 1207. Sciatis nos concessisse et...confirmasse burgensibus nostris de Cantebrige villam de Cantebrige cum omnibus pertinentiis suis habendam et tenendam in perpetuum de nobis et heredibus nostris sibi et heredibus suis reddendo inde annuatim ad scaccarium nostrum antiquam firmam scilicet quadraginta libras albas et viginti libras numero de cremento pro omni servitio per manus eorum ad duo scaccaria anni.

(Know ye that we have granted and confirmed to our burgesses of Cambridge the town of Cambridge with all its appurtenances to have and

to hold for ever of us and our heirs to them and their heirs rendering thence yearly to our Exchequer the ancient farm to wit £40 blanchéd, and £20 by tale as increment for all service by their own hands at the two Exchequers of the year.)

WORCESTER, 1189. Sciatis nos concessisse et presenti carta nostra confirmasse burgensibus nostris de Wirecestr' quod teneant de nobis et heredibus nostris ipsi et successores sui villam Wigorn' per redditum viginti quattuor librarum quas predicti burgenses reddent nobis et heredibus nostris per annum ad scaccarium...Ita quod non reddunt prefatum redditum nisi ad scaccarium.

(Know ye that we have granted and by this our present charter have confirmed to our burgesses of Worcester that they and their successors may hold the town of Worcester of us and our heirs by the rent of £24 which the aforesaid burgesses shall pay thence to us and our heirs yearly at the Exchequer...So that they shall not pay the aforesaid rent save at the Exchequer.)

HEREFORD, 1189. Sciatis nos concessisse civibus nostris Hereford in Wallia villam de Hereford tenendam perpetuo pro xl libris reddendis per annum ad scaccarium ita quod ipsi auxilium prestabunt ad claudendam villam.

(Know ye that we have granted to our citizens of Hereford in Wales the town of Hereford to be held for ever for £40 to be paid every year at our Exchequer, provided that they help in fortifying the town.)

HEREFORD, 1215. Sciatis nos concessisse...civibus nostris Hereford' in Wallia pro fideli servitio suo et heredibus eorum civitatem nostram Hereford' ad feodi firmam pro quadraginta libris sterlingorum reddendis ad scaccarium nostrum per annum pro omni servitio et exactione habendam et tenendam de nobis et heredibus nostris sibi et heredibus suis inperpetuum bene et in pace libere et quiete pacifice et integre plenarie et honorifice cum omnibus pertinentiis et libertatibus et liberis consuetudinibus ad predictam civitatem pertinentibus.

(Know ye that we have granted to our citizens of Hereford in Wales, and to their heirs, in consideration of their faithful service, our city of Hereford at fee farm for £40 sterling to be paid at our Exchequer every year for all service and exaction, to be had and holden of us and our heirs to them and their heirs for ever, well and peaceably, freely and quietly, peacefully and wholly, fully and honourably, together with all its appurtenances and liberties and free customs to the aforesaid city pertaining.)

NORTHAMPTON, 1189. Haec omnia predicta hereditarie habeant et teneant de nobis et heredibus nostris Reddendo per annum centum et viginti libras numero de villa Norhamtoniae cum

omnibus pertinentiis ad scaccarium nostrum in termino Sancti Michaelis per manum prepositi Norhamtoniae.

(All this they shall have and hold in heredity of us and our heirs, rendering every year £120 by tale from the town of Northampton with all its appurtenances at our Exchequer in the Michaelmas term, by the hand of the reeve of Northampton.)

NORTHAMPTON, 1200.

NORWICH, 1194. Line 3. *For viginti read octo.*

After libras read esterlingorum.

NORWICH, 1199. As 1194. But line 3. *For numero read blancas.*

SHREWSBURY, 1189. Sciatis nos concessisse burgensibus de Salopesberia villam de Salopesberia tenendam de nobis pro xl marcis argenti unde x marcae sunt pro duobus fugatoribus quos reddere solebant.

(Know ye that we have granted to the burgesses of Shrewsbury the town of Shrewsbury to be held of us for forty marks of silver, of which ten marks are for two hunting dogs which they were wont to render.)

SHREWSBURY, 1200.

SHREWSBURY, 1205. Sciatis nos concessisse...burgensibus nostris de Salopesberia villam de Salopesberia cum hundredo ad illam pertinente tenendam de nobis et heredibus nostris ad feodi firmam cum omnibus ad eam pertinentibus pro quadraginta et quinque marcis per annum reddendis ad scaccarium nostrum ad duos terminos videlicet unam medietatem ad scaccarium Paschae et alteram medietatem ad scaccarium S. Michaelis unde quinque marcae sunt de cremento firmae et decem marcae sunt pro duobus catzur quos annuatim solebant reddere.

(Know ye that we have granted to our burgesses of Shrewsbury the town of Shrewsbury with the hundred thereto pertaining, to be held of us and our heirs at fee farm, with all its appurtenances, for forty-five marks every year to be paid at our Exchequer at the two terms, to wit, one moiety at the Easter Exchequer, and the other moiety at the Michaelmas Exchequer, of which five marks are for increment of the farm and ten marks are for two hunting dogs which they were wont to render every year.)

DONCASTER, 1194. Sciatis nos concessisse et presenti carta nostra confirmasse Burgensibus nostris de Danecastre socham suam de Danecastre cum villa de Danecastre habendam et tenendam de nobis et heredibus nostris per antiquam firmam quae tunc temporis reddebatur et insuper viginti quinque marcas argenti cum antiqua firma reddendas nobis annuatim ut inde nobis respondeant ad scaccarium nostrum.

(Know ye that we have granted and by this our present charter confirmed to our burgesses of Doncaster their soken of Doncaster with the town of Doncaster to be had and holden of us and our heirs by the ancient farm which was then rendered, and in addition twenty-five marks of silver to be rendered along with the ancient farm, to us every year, so that they answer for it at our Exchequer.)

GLOUCESTER, 1194. Sciatis nos concessisse...burgensibus nostris Gloec. totum burgum Glocestr. cum pertinentibus tenendum de nobis et heredibus nostris in perpetuum ad firmam reddendo per annum quinquaginta et quinque libras esterlingorum sicut eas solebant reddere et decem libras de incremento firmæ ad compotum ad scaccarium nostrum in termino Paschæ et in termino Sancti Michaelis.

(Know ye that we have granted to our burgesses of Gloucester the whole borough of Gloucester with its appurtenances to be held of us and our heirs for ever at farm, rendering every year £55 sterling as they were wont to render, and £10 by tale as increment of the farm at our Exchequer in the Easter term, and in the Michaelmas term.)

GLOUCESTER, 1200. Line 5. *For ad compotum read numero.*

RATHMORE, 1195—1247. Reddendo etiam inde annuatim ipsi et heredes sui mihi et heredibus meis xxx solidos de incremento redditus pro hac confirmatione mea habenda et de minutis particulis terrarum jacentium inter dicta burgagia sua in eadem villa, scilicet medietatem ad Pascham et medietatem ad festum Sancti Michaelis pro omni servitio ad me et heredes meos pertinente.

(Rendering also thence yearly, they and their heirs to me and my heirs, thirty shillings as increment of rent for having this my confirmation, and for the little parcels of land lying between their said burgages in the same town, to wit, one moiety at Easter, and the other moiety at Michaelmas, for all service pertaining to me and my heirs.)

LIMERICK, 1197. Sciatis nos dedisse et hac carta nostra confirmasse pro nobis et heredibus nostris civibus nostris Limèricansibus quod ipsi et heredes sui habeant et teneant civitatem Limericansem cum pertinentiis et omnibus burgagiis interioribus et exterioribus ad civitatem pertinentibus ad feodi firmam per redditum qui statutus fuerit per Hamonem de Valogniis (cum) placitis et acquisitionibus.

(Know ye that we have given and by this our charter confirmed for us and our heirs to our citizens of Limerick that they and their heirs shall have and hold the city of Limerick with its appurtenances and with all the burgages within and without, pertaining to the city, at fee farm, by the rent which was fixed by Hamo de Valoignes, with pleas and acquisitions.)

SOUTHAMPTON, 1199. Sciatis nos concessisse...burgensibus nostris de Suhamptona villam de Suhamtona ad firmam inperpetuum cum portu de Portesmues¹ cum omnibus pertinentiis libertatibus et liberis consuetudinibus suis et aliis omnibus quae ad firmam dictae villae de Suhamtona pertinebant tempore Henrici regis patris nostri tenendam de nobis et heredibus nostris inperpetuum ad firmam reddendo inde annuatim ad festum St Michaelis ad scaccarium nostrum ducentas libras sterlingorum.

(Know ye that we have granted to our burgesses of Southampton, the town of Southampton with the port of Portsmouth at farm for ever, with all their appurtenant liberties and free customs, and all other things which pertained to the farm of the said town of Southampton in the time of King Henry our father, to be held of us and our heirs for ever at farm, rendering thence £200 sterling yearly at Michaelmas at our Exchequer.)

OXFORD, 1199. Sciatis nos concessisse et presenti carta confirmasse burgensibus Oxenfordiae villam de Oxeneford tenendam de nobis et heredibus nostris ad firmam in perpetuum ad altiorem scilicet firmam quam unquam reddere solebant tempore Henrici Regis patris nostri vel Regis Ricardi fratris nostri, de qua firma respondebunt in eadem villa Vicecomiti nostro Oxeneford ad duos terminos scaccarii nostri scilicet ad terminum Paschae de una medietate et ad festum Sancti Michaelis de altera medietate.

(Know ye that we have granted and by this present charter confirmed to the burgesses of Oxford the town of Oxford to be held of us and our heirs at farm for ever, to wit, at the highest farm which they ever were wont to render in the time of King Henry our father, or of King Richard our brother, for which farm they shall answer in the same town to our sheriff of Oxford, at the two terms of our Exchequer, to wit at the Easter term for one moiety and at the Michaelmas term for the other moiety.)

DUNWICH, 1200. Quod ipsi rectam et solitam firmam suam per manum suam reddant ad scaccarium nostrum.

(That they shall pay their right and wonted farm by their own hand at our Exchequer.)

DUNWICH, 1205. Sciatis quod remisimus et perdonavimus burgensibus nostris de Dunwic xl libras inperpetuum de firma sua quam nobis reddere solebant pro villa de Dunewic scilicet de sexties xx^{ti} libris et xxiiii millibus allecium et i marca, ita quod reddent nobis et heredibus nostris de cetero singulis annis quater xx^{ti} libras et xxiiii millia allecium et i marcam pro predicta villa de Dunwic tenenda in perpetuum ad feodi firmam.

(Know ye that we have remitted and pardoned to our burgesses of

¹ See p. 172.

Dunwich £40 for ever from their farm which they were wont to pay us for the town of Dunwich, to wit, from six score pounds and 24,000 herrings and one mark, so that for the future they render to us and our heirs every year four score pounds and 24,000 herrings and one mark, for the aforesaid town of Dunwich, to be held for ever at fee farm.)

IPSWICH, 1200. Sciatis nos concessisse et...confirmasse burgensibus nostris de Gipeswic burgum nostrum de Gipeswic cum omnibus pertinentiis suis et libertatibus omnibus et liberis consuetudinibus suis tenendum de nobis et heredibus nostris illis et heredibus suis hereditarie reddendo per annum rectam et solitam firmam ad terminum Sancti Michaelis per manum Gipeswic prepositi ad scaccarium nostrum et c solidos sterlingorum numero de incremento ad eundem terminum quos reddere solebant.

(Know ye that we have granted and confirmed to our burgesses of Ipswich our borough of Ipswich with all its appurtenances and liberties and free customs to hold of us and our heirs to them and their heirs in inheritance rendering annually the right and wonted farm at the Michaelmas term by the hands of the reeve of Ipswich at our Exchequer and one hundred shillings sterling by tale as increment at the same term, which (increment) they were wont to pay.)

APPLEBY, 1200. Concessimus etiam eis burgum de Appelbi tenendum in manu sua reddendo inde firmam quam debent vicecomiti nostro de Westmerland apud Appelbi scilicet medietatem ad festum Sancti Michaelis et alteram medietatem ad Pascha.

(We have granted also to them the borough of Appleby to hold in their own hand rendering thence the farm which they owe to our sheriff of Westmorland at Appleby to wit one moiety at Michaelmas and the other moiety at Easter.)

SCARBOROUGH, 1201, Feb. 5. Sciatis nos liberasse ad firmam hominibus de Scardeburg villam de Scardeburg cum villa de Wallesgrave cum molendino et aliis pertinentiis suis, pro veteri firma, scilicet de Scardeburg triginta tribus libris sterlingorum numero, et de Wallesgrave cum pertinentiis decem libras albas, et preterea pro incremento xxx^{lii} librarum per annum, tenendam quamdiu nobis bene servierint et firmam suam bene reddiderint. Supradictam autem firmam reddent ad scaccarium nostrum in festo S. Michaelis.

(Know ye that we have delivered at farm to the men of Scarborough, the town of Scarborough with the town of Falsgrave with its mill and other appurtenances, for the old farm, to wit, from Scarborough £33 sterling by tale, and from Falsgrave with its appurtenances £10 blanch, and as increment £33 by tale per annum, to hold so long as they shall well serve us, and pay their rent. They shall pay the aforesaid farm at our Exchequer at Michaelmas.)

SCARBOROUGH, 1201, April 9. Rex etc. burgensibus suis de Scardeburg. Mandamus vobis et precipimus quod de firma villae vestrae, tam de veteri firma, quam de cremento ejusdem villae, respondeatis Johanni de Bulli, constabulario de Scardeburg qui inde respondebit, sicut facere debebit, ad scaccarium nostrum, donec aliud inde precipimus.

(The King to his burgesses of Scarborough. We command you and ordain that for the farm of your town, both the old farm, and the increment of the same town, ye shall be answerable to John de Bulli, constable of Scarborough, who shall answer for it, as he ought to do, at our Exchequer, until we order you otherwise.)

NEWCASTLE-ON-TYNE, 1201, Feb. 9. Sciatis nos libérasse ad firmam burgensibus nostris de Novo Castello super Tinam villam de Novo Castello super Tinam cum pertinentiis per lx libras sterlingorum numero quae solebat reddere antiquitus quinquaginta libras numero, habendam et tenendam quamdiu nobis bene servierint et firmam suam bene reddiderint. Hanc autem firmam sexaginta librarum reddent ad duo scaccaria nostra scilicet ad scaccarium Sancti Michaelis xxx libras et ad scaccarium Paschae xxx libras.

(Know ye that we have delivered at farm to our burgesses of Newcastle-on-Tyne, the town of Newcastle-on-Tyne with its appurtenances at £60 sterling by tale, which town was wont to render £50 by tale, to be had and holden as long as they serve us well, and pay their farm well. Moreover, they shall pay this farm of £60 at our two Exchequers, to wit, at the Michaelmas Exchequer £30, and at the Easter Exchequer £30.)

NEWCASTLE-ON-TYNE, 12 Feb., 1201. Line 3. *Omit sterlingorum.*
CORBRIDGE, 1201.

Line 3. *For lx read quadraginta et quinque.*

4. *For quinquaginta read triginta.*

6. *Omit sexaginta librarum.*

8. *For xxx read xxii et dim. (bis).*

NEWCASTLE-ON-TYNE, 1213. Sciatis nos concessisse et dimisisse...probis hominibus nostris de Novo Castro super Tynam et heredibus eorum villam nostram de Novo Castro super Tynam cum omnibus pertinentiis suis ad feodifirmam pro centum libris nobis et heredibus nostris annuatim inde reddendis ad scaccarium nostrum per manum suam ad duos terminos scilicet ad Pascham quinquaginta libris et ad festum S. Michaelis quinquaginta libris, salvis nobis redditibus et prisis et assisis nostris in portu ejusdem villae.

(Know ye that we have granted and demised to our upright men or Newcastle-on-Tyne and their heirs, our town of Newcastle-on-Tyne with all its appurtenances at fee farm for £100 to be rendered thence yearly to us and

our heirs at our Exchequer by their own hand at the two terms, to wit, at Easter £50, and at Michaelmas £50, saving to us our rents and prises and assises in the port of the same town.)

HELSTON, 1201, Apr. 18. Sciatis nos concessisse...burgensibus nostris de Helleston villam de Helleston cum pertinentiis ad firmam per antiquam firmam et debitam et de cremento quattuor libras habendam et tenendam quamdiu nobis bene et fideliter servierint et firmam suam bene reddiderint reddendo firmam suam per manum suam ad duo scaccaria nostra scilicet medietatem ad Pascham et aliam medietatem ad festum S. Michaelis. Et sciendum quod crementum tale erit quale est firma.

(Know ye that we have granted to our burgesses of Helston the town of Helston with its appurtenances at farm by the ancient and accustomed farm and as increment £4 to have and to hold so long as they serve us well and faithfully and pay their farm well, paying their farm by their own hands at our two Exchequers, to wit, one moiety at Easter and the other moiety at Michaelmas. And be it known that the increment shall be such as is the farm.)

ANDOVER, 1201.

Line 3. *After debitam add sine instauro sicut consueverunt reddere sine instauro.*

Before de cremento read preterea.

For quattuor read quindecim.

4. *Before quamdiu insert per predictam firmam.*

ANDOVER, 1205, May 29. Sciatis nos concessisse...burgensibus nostris de Andevra manerium nostrum de Andevra cum omnibus pertinentiis suis ad feodi firmam, tenendum eis et heredibus eorum de nobis et heredibus nostris per antiquam firmam scilicet per quater xx libras per annum, et de incremento per xv libras quas prius nobis dederunt pro habendo manerio illo ad firmam quamdiu nobis placeret, et preterea per x libras quas postea addiderunt pro habendo eodem manerio ad feodi firmam, et hanc firmam, scilicet, centum et quinque libras per totum, reddent nobis annuatim ad scaccarium nostrum per manum suam, scilicet, unam medietatem ad scaccarium S. Michaelis et alteram medietatem ad scaccarium Paschae.

(Know ye that we have granted...to our burgesses of Andover our manor of Andover with all its appurtenances at fee farm, to hold to them and their heirs of us and our heirs by the ancient farm, to wit, at £80 a year, and as increment £15 which they formerly gave us for having the said manor at farm during our pleasure, and in addition £10 which they afterwards added for having the said manor at fee farm, and this farm, to wit, £105 in the whole, they shall pay at our Exchequer yearly to us by their own hands, to wit, one moiety at the Michaelmas Exchequer, and the other moiety at the Easter Exchequer.)

ANDOVER, 1213. Sciatis nos concessisse...hominibus nostris de Andevre manerium nostrum de Andevre cum hundredo forinseco et aliis pertinentiis habendum et tenendum de nobis et heredibus nostris illis et heredibus suis ad feodi firmam reddendo inde annuatim ad scaccarium nostrum per manum suam quater viginti libras blancas de antiqua firma et xx libras numero de cremento ad duos terminos scilicet ad scaccarium Paschae xl libras blancas et x libras numero et ad scaccarium S. Michaelis xl libras blancas et x libras numero.

(Know ye that we have granted...to our men of Andover our manor of Andover with the foreign hundred and other appurtenances to be had and holden of us and our heirs to them and their heirs at fee farm, rendering thence yearly at our Exchequer by their own hand, £80, blanchd, as the ancient farm and £20 by tale as increment at the two terms, to wit, at the Easter Exchequer, £40 blanchd and £10 by tale, and at the Michaelmas Exchequer £40 blanchd and £10 by tale.)

DERBY, 1204. Preterea concessimus et confirmavimus eisdem burgensibus de Derby burgum de Derby cum omnibus pertinentiis suis ad feodi firmam tenendum de nobis et heredibus nostris sibi et heredibus suis inperpetuum per antiquam firmam et de cremento decem libras per annum pro omni servicio et demanda.

(Moreover, we have granted and confirmed to the said burgesses of Derby the borough of Derby with all its appurtenances at fee farm, to hold of us and our heirs to them and their heirs for ever by the ancient farm and by the increment of £10 yearly for all service and demand.)

ILCHESTER, 1204. Dedimus...predictis burgensibus nostris de Ivelcestre et heredibus eorum quod habeant et teneant de nobis et heredibus nostris villam nostram de Ivelcestre ad feodi firmam cum omnibus pertinentiis libertatibus et liberis consuetudinibus suis respondendo inde ad scaccarium nostrum S. Michaelis per manum suam per annum de xxx libris de antiqua firma ita quod vicecomes decetero se inde non intromittat, et quod computetur illis in firma illa sex librae et decem solidi quos Willelmo Daco dedimus et preterea xl solidi de molendino quod idem Willelmus tenet et xl solidi de hundredo de La Stane sicut pertinere solebant ad firmam predictam.

(We have given...to our aforesaid burgesses of Ilchester and their heirs that they shall have and hold of us and our heirs our town of Ilchester at fee farm with all its appurtenances liberties and free customs, answering thence at our Michaelmas Exchequer by their own hand yearly for £30 as the ancient farm, so that the sheriff shall not for the future intermeddle therein, and that there shall be computed to them in that farm £6. 10s. which we have given to William the Dane, and moreover 40s. from the mill which the said William holds, and 40s. from the hundred of La Stane, as they were wont to pertain to the aforesaid farm.)

HUNTINGDON, 1205. Sciatis nos concessisse...burgensibus nostris de Huntendon burgum nostrum de Huntendon cum omnibus pertinentiis suis habendum et tenendum sibi et heredibus suis de nobis et heredibus nostris ad feodi firmam, reddendo inde nobis et heredibus nostris per annum debitam et antiquam firmam et decem libras de cremento per manum suam ad duo scaccaria, scilicet unam medietatem ad scaccarium Paschae et alteram medietatem ad scaccarium S. Michaelis pro omni servitio.

(Know ye that we have granted...to our burgesses of Huntingdon our borough of Huntingdon with all its appurtenances to be had and holden to them and their heirs of us and our heirs at fee farm, rendering thence to us and our heirs every year the due and ancient farm and £10 as increment by their own hand at the two Exchequers, to wit, one moiety at the Easter Exchequer, and the other moiety at the Michaelmas Exchequer, for all service.)

STAFFORD, 1206. Quod burgenses illi et heredes eorum habeant burgum illud ad feodi firmam de nobis et heredibus nostris cum soca et saca et thol et them et infangenethef et cum omnibus aliis libertatibus et liberis consuetudinibus quas ipsi antiquitus habere consueverunt, reddendo singulis annis ad scaccarium nostrum per manum suam debitam et antiquam firmam scilicet medietatem ad scaccarium Paschae et aliam medietatem ad scaccarium S. Michaelis.

(That those burgesses and their heirs shall have that borough at fee farm of us and our heirs with soke and sake and toll and team and infangthef and all other liberties and free customs which they were wont to have in ancient times, rendering every year at our Exchequer by their own hand the due and ancient farm, to wit, one moiety at the Easter Exchequer, and the other moiety at the Michaelmas Exchequer.)

YARMOUTH, 1208. Quod habeant burgum de Gernemua ad feodi firmam inperpetuum...Reddendo inde annuatim quinquaginta et quinque libras numero per prepositum de Gernemue ad scaccarium nostrum ad terminum S. Michaelis.

(That they shall have the borough of Yarmouth at fee farm for ever... Rendering thence every year £55 by tale by the hand of the reeve of Yarmouth at our Exchequer at the Michaelmas term.)

YORK, 1212. Sciatis nos concessisse...civibus nostris Eboracensibus villam Eboraci cum omnibus pertinentiis et libertatibus et omnibus rebus ad firmam illius villae pertinentibus sicut eas unquam habuerunt habendam et tenendam eis et heredibus suis de nobis et heredibus nostris per firmam centum et lx libras annuatim solvendam ad scaccarium nostrum scilicet medietatem ad festum S. Michaelis et aliam medietatem ad Pascham.

(Know ye that we have granted to our citizens of York the town of York with all its appurtenances and liberties and all things to the farm of the said town pertaining as they ever had them, to have and to hold to them and their heirs of us and our heirs by the farm of £160 yearly to be paid at our Exchequer, to wit, one moiety at Michaelmas and the other moiety at Easter.)

DROITWICH, 1215. Sciatis nos concessisse burgensibus nostris de Wich in comitatu Wigorniae villam illam de Wich, quidquid scilicet habemus in eadem villa ad feodi firmam cum salsis et salinis et omnibus pertinentiis et aliis libertatibus et liberis consuetudinibus ad illam partem nostram in eadem villa pertinentibus pro centum libris sterlingorum nobis reddendis per manus ipsorum burgensium ad scaccarium nostrum ad duos terminos anni scilicet ad festum S. Michaelis quinquaginta libras et ad Pascha quinquaginta libras, habendam et tenendam de nobis et heredibus nostris sibi et heredibus suis in perpetuum bene et in pace libere et quiete pacifice et integre cum soc et sac et thol et them et infangenethef et omnibus aliis libertatibus et rebus ad predictam partem nostram pertinentibus.

(Know ye that we have granted to our burgesses of Wich in the county of Worcester that town of Wich, to wit, whatever we have in the same town, at fee farm, with the salt works and brine pans and all its appurtenances and other liberties and free customs to our part in the same town belonging, for £100 sterling to be paid to us by the hands of the said burgesses at our Exchequer at the two terms of the year, to wit, at Michaelmas £50, and at Easter £50, to have and to hold of us and our heirs to them and their heirs for ever, well and peacefully, freely and quietly, peaceably and wholly, with soke and sake and toll and team and infangthef, and all other liberties and things to our aforesaid part pertaining.)

DUBLIN, 1215. Sciatis nos concessisse...civibus nostris Dublin' quod ipsi et heredes eorum habeant et teneant de nobis et heredibus nostris in perpetuum civitatem nostram Dublin', cum prepositura et omnibus aliis pertinentiis suis, ad feodifirmam, cum parte illa aquae de Avenelith quae eis contingit, simul cum parte ejusdem aquae quae nobis contingit, Exceptis piscationibus batellorum, quas prius dedimus in liberam elemosinam et aliis piscationibus batellorum quas alii habent ex antiqua tenura et salvis nobis sedibus molendinorum in eadem aqua quas ad opus nostrum retinuimus, Reddendo inde nobis et heredibus nostris singulis annis ad scaccarium nostrum Dublin' ducentas marcas ad duos terminos anni, scilicet ad festum Sancti Michaelis centum marcas et ad Pascha sequens centum marcas.

(Know ye that we have granted to our citizens of Dublin that they and their heirs shall have and hold of us and our heirs for ever our city of Dublin, with its reeveship and all other appurtenances, at fee farm, with that part of

the river of Avenelith which belongs to them, together with the part of the same water which belongs to us, Saving the fishings from boats which we have previously given in free alms and other fishings from boats which others have of ancient tenure, and saving to us the sites of our mills on that water, which sites we retain for our use, Rendering thence to us and our heirs every year at our Exchequer in Dublin 200 marks at the two terms of the year, to wit, at Michaelmas 100 marks, and at Easter following 100 marks.)

(2) Earl's Rights in Borough

FORDWICH, 1070—86. Odo gratia Dei Baiocensis episcopus et Cantiae comes Lanfranco Archiepiscopo et Haimoni vicecomiti et ceteris fidelibus regis francigenis et anglis Salutem. Sciatis omnes quod ego Odo episcopus et Cantiae comes omnes domos quas in villa Foruuihc habeo et omnes consuetudines mei juris ad ipsam villam pertinentes pro anima mea et pro anima domini mei Willelmi regis Anglorum ecclesiae Sancti Augustini in perpetuum possidendas concedo.

(Odo, by the grace of God, Bishop of Bayeux and Earl of Kent, to Lanfranc the archbishop and Haimo the sheriff and to the other lieges of the King, French and English, greeting. Know ye all that I Odo, Bishop and Earl of Kent, grant all the houses which I have in the town of Fordwich and all the customs of my right pertaining to the same town for the salvation of my soul and for the soul of my lord, William, King of the English, to the Church of St Augustine, to be possessed by it for ever.)

SANDWICH, 1070—86.

Line 4. *After episcopus insert* Baiocensis.

7. *For* S. Augustini *read* Christi Cantuariensis.

FORDWICH, 1070—86¹. Willelmus Rex Anglorum Lanfranco Archiepiscopo et Haimoni vicecomiti et Ricardo filio comitis Gisleberti et Haimoni vicecomiti et omnibus tainis de Chent francigenis et anglicis Salutem. Sciatis episcopum Baiocensem fratrem meum pro amore Dei et pro salute animae meae et sua dedisse Sancto Augustino quicquid habet apud foruuihc tam in terris et pratis et domibus et consuetudinibus quam in aliis rebus et quod dedit licentia mea sciatis illum dedisse.

(William, King of the English, to Lanfranc the Archbishop and Haimo the sheriff and Richard son of Earl Gilbert and Haimo the sheriff and all the thegns of Kent, French and English, greeting. Know ye that the Bishop of Bayeux my brother for the love of God and for the salvation of my soul and

¹ The author of the *History of St Augustine's* dates this 1077 (p. 28).

his own has given to St Augustine whatever he has at Fordwich both in lands and meadows and houses and customs as well as in other things, and that he has given what he has given by my license.)

SANDWICH, 1070—86.

Line 2. *For* Haimoni vicecomiti *read* Hugoni de Montfort¹.

6. *For* Augustino *read* Trinitati.

For quicquid *read* omnes domos et consuetudines quas.

Omit tam...rebus.

HEREFORD, 1154—62. Preterea dedi ei (Roger comiti Hereford') et concessi motam Hereford' cum toto castello et tertium denarium redditus burgi Hereford' quicquid unquam reddat, et tertium denarium placitorum totius comitatus Hereford' unde feci eum comitem.

(Moreover, I have given and granted to him (Roger, Earl of Hereford) the mote of Hereford with the whole castle, and the third penny of the render of the borough, whatever it may ever render, and the third penny of the pleas of the whole county of Hereford, of which I have made him Earl.)

NORWICH, 1191. Sciatis nos fecisse Rogerum Bigot comitem de Norfolcia, scilicet de tertio denario de Norwic' et de Norfolcia, sicut comes Hugo, pater ejus, melius unquam fuit tempore domini Regis Henrici patris nostri.

(Know ye that we have made Roger Bigot Earl of Norfolk, to wit, of the third penny of Norwich and Norfolk, as Earl Hugh his father was best at any time in the time of King Henry, my father.)

(3) Lord's Rights in Borough

SANDWICH, 1155—72. Henricus etc. Vicecomiti et Ballivis suis Cantiae Salutem. Volo et precipio quod monachi Sanctae Trinitatis Cantuariensis habeant plenarie omnes illas libertates et consuetudines in Sanwic quas habuerunt tempore Henrici Regis Avi mei sicut recognitum est ex precepto ipsius per sacramentum xii hominum de Doura et xii hominum de Sanwic, scilicet quod predicti monachi debent habere portum et theloneum et omnes consuetudines maritimas in eodem portu ex utraque parte aquae ab Eadburgegate usque ad Markesflete et navictam ad transfretandum. Nullusque hominum habet ibidem aliquid jus nisi ipsi et ministri eorum. Quare volo et firmiter precipio vobis et hominibus de Sanwic ut consuetudines omnes tam in portu quam in villa de Sanwic predictis monachis Cantuariensibus habere faciatis et prohibeo ne quis eos super hoc vexet.

¹ I think this is the proper reading in the Fordwich Charter, but the copy in the Cartulary reads as printed.

(Henry II to his sheriff and bailiffs of Kent, greeting. I will and order that the monks of the Holy Trinity of Canterbury shall have fully all those liberties and customs in Sandwich which they had in the time of King Henry my grandfather, as it was adjudged in pursuance of his command by the oath of twelve men of Dover and twelve men of Sandwich, to wit, that the aforesaid monks ought to have the port and the toll and all maritime customs in the same port, on either side of the water from Eadburge-gate as far as Markesfliete and a ferry-boat for passage. And no man has there any right except they and their ministers. Wherefore I will and firmly command you and the men of Sandwich that ye cause the aforesaid monks to have all their customs both in the port and in the town of Sandwich, and I forbid any from vexing them on this account.)

RYE, 1140—89. *Ipsi vero homines qui presentes fuerunt abbati jusjurandum fecerunt et facient absentes jurare, sed et heredes eorum, quando ad terram venerint; jurabunt quod saras et omnes alias rectitudines suas pro posse suo cum justitia sua abbatem habere facient nec patientur aliquem in villa manentem piscari, nisi saras dederit in hac forma: de omni piscatione, quamcumque exercuerint, haec lex reddendarum sararum erit; de omnibus navibus xxvi remorum duas saras reddent et dimidiam: de navibus vero xxii seu viginti remorum, duas saras; de navibus vero xviii seu xvi remorum saram et dimidiam: de navibus vero xiiii seu xii seu x remorum, saram unam; et de omnibus aliis navibus quae infra decem remos fuerint, saram integram, quamlibet pauci in navi fuerint remigantes, saram integram reddent: exceptis illis qui heccheres¹ vocantur: eorum reddendarum sararum haec lex erit; si octo fuerint in ea remigantes vel ix vel x vel xi vel xii saram unam: si minus fuerint in navi quam octo, saram dimidiam dabunt, quam pauci fuerint.*

(Moreover, the men who were present took an oath to the abbot, and will make the others swear, they and their heirs, when they come to land; they will swear that they will cause the abbot to have his shares and his other rights according to their power with his justice, nor will they suffer any man dwelling in the town to fish, unless he give shares in this way: of every fishing, whatever they exercise, this will be the law of giving shares; from all ships of 26 oars they will pay 2½ shares; from ships of 22 or 20 oars, 2 shares; from ships of 18 or 16 oars 1½ shares; from ships of 14, 12 or 10 oars, 1 share; and from all other ships which are less than 10 oars, a complete share: however few rowers were in the ship, they shall pay a complete share excepting those which are called heccheres; this will be the law of the giving of their shares; if 8 were rowing in it or 9 or 10 or 11 or 12, one share; if there were less than 8 in the ship, they shall give a half share, however few they may be.)

RYE, 1189—1219.

¹ See Dr Round's note in 42 *Sussex Archaeological Collections*, 79: a heak or heck is a peculiar net for cod.

(4) Prises

BRISTOL, 1188. Et quod nullus capiat tinam¹ in villa nisi ad opus domini comitis et hoc secundum consuetudinem villae.

(And that no man take tine in the town except for the use of our lord the earl and that according to the custom of the town.)

TRIM, 1194—1241. Preterea concessi eisdem burgensibus quod pacatur ad quattuor terminos anni de omnibus prisīs per eos captis per me vel per ballivos meos Et si forte in primo anni quarterio non fuerunt nihil, mihi ulterius mutuabunt donec de termino illo fuerint pacata et sic de aliis terminis.

(Moreover, I have granted to the said burgesses that payment shall be made at the four terms of the year for all prises taken through them, through me or my bailiffs. And if perchance in the first quarter of the year there shall be nothing for me, yet they shall make me a loan till payment be made for that term, and so for the other terms.)

DUBLIN, 1192². Hac autem libertate mihi reservata, quod de qualibet navi quae illuc cum vinis venire contingeret ballivus meus loco meo eligeret duo dolia vini quaecunque voluerit in navi, unum scilicet ante malum, et aliud retro malum ad opus meum pro quadraginta solidis, unum pro viginti solidis et aliud pro viginti solidis, et nihil amplius inde accipiet nisi ad gratum mercatoris.

(But with this liberty reserved to me, that from every ship that comes thither with wines, my bailiff in my place shall choose two casks of wine whichever he please in the ship, to wit, one from before the mast, and the other from behind the mast, for my use, for forty shillings, one for twenty shillings, and the other for twenty shillings, and he shall take nothing more therefrom, except at the pleasure of the merchant.)

DUBLIN, 1200.

CORBRIDGE, after 1212. Nulli servienti apud Corbrig moram facienti liceat aliquam prisam ad opus suum de burgensibus facere nisi per voluntatem burgensium, ita, tamen, quod dicti burgenses bona sua dicto ballivo vendere non negabunt.

(No sergeant sojourning at Corbridge shall be at liberty to take any prise for his own use from the said burgesses, except by the will of the burgesses, provided that the said burgesses shall not refuse to sell their goods to the said bailiff.)

¹ Du Cange defines *tina* as *vas*.

² A similar clause is contained in John's Charter to Rouen, 1199; *Calendar of Documents preserved in France*, p. 36.

(5) Aids to Farm

COLCHESTER, 1189. Consuetudines aquae et ripae ex utraque parte habeant dicti burgenses nostri ad perficiendam firmam nostri sicut habuerunt tempore domini regis patris nostri et tempore Henrici avi ejus.

(The customs also of the water and the bank on each side, our said burgesses shall have for completing our farm, as they had them in the time of our lord the King our father, and in the time of King Henry his grandfather.)

INVERNESS, 1171—97. Dedi etiam et concessi predictis burgensibus ad sustentamentum burgi terram illam quae est extra burgum quae vocatur Burch halev scilicet quae est inter montem et aquam Ita quod nullus in ea wannagium faciat aut pasturam habeat nisi per eorum licentiam.

(I have given also and granted to the aforesaid burgesses for the support of their burgh that land which is without the burgh which is called Burch halev, to wit, which is between the mountain and the water, so that none shall till crops, or have pasture in it, except by their license.)

AYR, 1202—7. Concessi etiam eidem burgo meo et burgensibus meis qui in burgo illo sedentes et manentes erunt quinque nummatas terrae quae pertinent ad villam de Are per divisas scriptas scilicet... (here follow the boundaries)...

(I have granted also to my same burgh and to my burgesses settled and dwelling in it, five pennyworth of land which belongs to the town of Ayr, with the following boundaries, to wit (here follow the boundaries).)

(6) Letting to Farm

PONTEFRACT, 1194. Quum pretor pacaverit domino firmam burgi ad festum Sancti Michaelis removebit illum dominus et ponet quemcunque voluerit sed burgenses propriores erunt si tantum dare voluerint quantum alii.

(When the reeve has paid to the lord the farm of the borough at Michaelmas, the lord shall remove him, and appoint another whomever he will, but the burgesses shall have the preference if they are willing to give as much as others.)

LEEDS, 1208.

Line 1. *For quum read quando.*

For pacaverit read peracanter. (The reading is obviously corrupt.)

2. *For festum Sti Michaelis read Pentecosten.*

(7) Grant of Vacant Places

BRISTOL, 1188. Et quod habeant et possideant omnes terras et placeas vacuas quae infra predictas metas continentur ad voluntatem eorum aedificandas.

(And that they may have and possess all lands and vacant places which are within the aforesaid bounds, for building on at their will.)

DUBLIN, 1192.

DUBLIN, 1200.

DUBLIN, 1215. Concessimus etiam eis quod habeant omnes terras pertinentes ad civitatem ipsam Dublin' infra metas contentas in carta nostra quam inde habent, salva conventionem inter ipsos et monachos Sanctae Mariae extra Dublin' sicut continetur in carta inter illos confecta.

(We have also granted to them that they may have all lands pertaining to the city of Dublin within the bounds specified in our charter which they have to that effect, saving the agreement made between themselves and the monks of St Mary without Dublin, as is contained in the charter made between them.)

(8) Grant of Mills

WINCHESTER, 1215. Quod habeant sedem duorum molendinorum infra eandem civitatem apud Cortebir' ad emendationem ejusdem civitatis.

(That they may have the site of two mills within the same city at Cortebir for the improvement of the same city.)

(9) Grant of Escheats

NEWCASTLE-ON-TYNE, 1201, Feb. 12. Et preterea reddent ad scaccarium nostrum per manum suam ad eosdem terminos de escaetis ejusdem villae subscriptis centum et decem solidos et sex denarios scilicet ad scaccarium Sancti Michaelis lv solidos et tres denarios et ad scaccarium Paschae lv solidos et tres denarios, scilicet li solidos et obolum de terra quam moniales de eadem villa habuerunt de dono David Rege et xxxix solidos et v d de terra quam hospitalarii habuerunt de dono ejusdem David et xx solidos et obolum de terra quae fuit Gervasii medici quam habuit de dono ejusdem Regis.

(And moreover they shall pay to our Exchequer by their own hand at the same terms, for the undermentioned escheats of the same town 110s. 6d., to

wit, at the Michaelmas Exchequer 55s. 3*d.*, and at the Easter Exchequer 55s. 3*d.*, to wit, 51s. $\frac{1}{2}$ *d.* of the land which the monks of the same town had of the gift of King David, and 39s. 5*d.* of the land which the Hospitallers had of the gift of the same David, and 20s. $\frac{1}{2}$ *d.* of the land which belonged to Gervase the Physician, which he had of the gift of the same King.)

NEWCASTLE-ON-TYNE, 1213. Preterea concessimus et dedimus centum et decem solidatas et sex denariatas redditus quas habemus in eadem villa de escaetis ad dividendum et assignandum illis qui redditus suos amiserunt occasione fossati et novae operationis factae subtus castrum versus aquam, ita quod plus inde habeant qui plus amiserunt et qui minus minus.

(Moreover, we have granted and given them 110s. 6*d.* of the rent which we have in the same city from the escheats to divide and assign to them who have lost their rents on account of the ditch and new works made under the castle, near the water, so that they who have lost more shall have more, and they who have lost less shall have less.)

(10) Grant of Wreck¹

SWANSEA, 1153—84. Et si mari recedente wreck extra polam invenerint, dimidium meum sit et dimidium illorum sit: et si wreck invenerint in siccam terram meum sit totum.

(And if when the sea is ebbing, they find wreck below high water mark, half shall be mine and half theirs, and if they find wreck on dry ground, the whole is mine.)

(11) Consideration for Charter

WALLINGFORD, 1156. Et hoc pro servitio et labore magno quem pro me sustinuerunt in acquisitione hereditarii juris mei in Anglia.

(And this in consideration of the service and great labour which they bore for me in the acquisition of my hereditary right in England.)

HEREFORD, 1189. Et ipsi pro hac concessione dederunt nobis xl marcas argenti.

(And they for this grant have given us forty marks of silver.)

¹ See also Hythe v A 7, Hastings v A 7, Lydd v A 7, Rye and Winchelsea v A 7, York v A 7, Romney v A 7, Dunwich v A 7 (pp. 183—8).

DONCASTER, 1194. Pro hac autem concessione nostra ipsi nobis dederunt quinquaginta marcas argenti.

(For this our grant they have given us fifty marks of silver.)

PONTEFRACT, 1194. Et pro ista donatione et concessione libertatis habendae et firmiter tenendae dederunt mihi prefati burgenses mei de Pontefracto ccc marcas argenti.

(And for that gift and grant of liberty to be had and firmly held, my aforesaid burgesses of Pontefract have given me three hundred marks of silver.)

OKEHAMPTON, 1194—1242. Pro hac autem donatione concessione et confirmatione mea dederunt mihi predicti burgenses decem marcas sterlingorum in recognitionem.

(For this my gift grant and confirmation the aforesaid burgesses have given me ten marks sterling as consideration.)

LEICESTER, 1191—1204. Pro hac autem concessione et confirmatione dederunt mihi prefati burgenses quandam summam pecuniae in Gersoun premanibus ne ego predictus Robertus nec heredes mei vel successores mei nec aliquis per nos vel pro nobis aliquam calumpniam vel clameum in prefata pastura de cetero habere valeamus.

(Moreover for this grant and confirmation the aforesaid burgesses have given me in hand a certain sum of money as a fine, so that neither I the aforesaid Robert nor my heirs or successors nor any person through us or for us may in the future have any challenge or claim in the aforesaid pasture.)

WALSALL, *after* 1198. Pro hac autem donatione concessione et cartae hujus confirmatione dederunt mihi dicti burgenses duodecim marcas argenti.

(Moreover, for this gift and grant and confirmation by this charter, the said burgesses have given me twelve marks of silver.)

BIDEFORD, 1204—17. And for this my grant and confirmation the aforesaid burgesses have given me four marks of silver.

CORBRIDGE, *after* 1212. Pro hac, autem, predicta concessione predicti burgenses pro se et heredibus eorum relaxaverunt et quietum clamaverunt predictum Johannem et heredes suos de omnibus querelis et dissentionibus et de omnibus rebus hactenus inter eos motis, vel quae usque ad hunc diem possint moveri, fidei datione

interposita ex parte burgensium quod reverentiam et integram fidelitatem ei de cetero observabunt: ex parte vero domini Johannis per quosdam ex suis affidatum est quod eos fideliter et amicabiliter de cetero tractabit¹, omnem eis iram et indignationem remittens.

(For this grant, the aforesaid burgesses for themselves and their heirs have released and quit-claimed the aforesaid John and his heirs from all quarrels and disputes and from all matters hitherto moved between them, or which up to this day might be moved, a pledge being given on the part of the burgesses that for the future they would treat him with reverence and complete fidelity; and on the part of lord John, affidavit is made by some of his own men that for the future he will treat them faithfully, and in a friendly spirit, laying aside all anger and indignation against them.)

¹ Corr. from *tractabunt*, to agree with *remittens*.

VII. BOROUGH OFFICERS

(1) POWER TO ELECT

(a) Sheriffs

LONDON, 1131. Ita quod ipsi cives ponent vicecomitem qualem voluerint de se ipsis.

(So that the said citizens may make a sheriff, whom they will of themselves.)

LONDON, 1199. Quod ipsi de seipsis faciant Vicecomites quoscunque voluerint et amoveant quando voluerint; et eos quos fecerint vicecomites presentent Justitiariis nostris qui respondeant nobis vel Justitiariis nostris ad scaccarium nostrum de hiis quae ad predictum vicecomitatum pertinent ex quibus nobis respondere debent. Et nisi sufficienter responderint et satisfecerint, cives Londoniarum respondeant et satisfaciant de misericordia et firma: salvis eisdem civibus libertatibus suis, sicut predictum est, et salvis vicecomitibus eisdem libertatibus quas alii cives Londoniarum habent. Ita scilicet, quod si illi qui pro tempore fuerint vicecomites constituti aliquod delictum fecerint unde misericordiam pecuniae debeant incurrere, non judicentur ad plus nisi ad misericordiam xx librarum, et hoc sine damno aliorum civium, si vicecomites non sufficiant ad misericordiarum suarum solutionem. Si vero aliquod delictum fecerint per quod periculum vitae vel membrorum incurrere debeant, judicentur sicut judicari debent, per legem civitatis. De hiis autem quae ad predictum Comitatum pertinent, respondeant vicecomites ad scaccarium nostrum, coram justitiariis nostris; salvis eisdem vicecomitibus libertatibus quas alii cives Londoniarum habent.

(That they of themselves may make sheriffs whomsoever they will, and may remove them when they will: and those whom they have made sheriffs, they shall present to our Justices, and they shall answer to us or to our Justices at our Exchequer for those things that pertain to the aforesaid Sherifdom, concerning which they ought to answer to us. And unless they make sufficient answer and satisfaction, the citizens of London shall answer and satisfy us concerning the amercement and the farm; saving to the same citizens their liberties, as is aforesaid, and saving to the sheriffs the same liberties which the other citizens of London have. That is to say, that if these

who for the time being have been appointed sheriffs have committed any default for which they ought to be amerced, they shall not be adjudged to a greater penalty than £20, and this, without loss to the other citizens, if the sheriffs cannot pay their amercements. But if they have committed any default by which they ought to incur danger of life or limb, they shall be judged as they ought to be judged, by the law of the city.

But for those things which pertain to the aforesaid county, the sheriffs shall answer at our exchequer, before our justices, saving to the same sheriffs the liberties which the other citizens of London have.)

(b) Justiciar

LONDON, 1131. Et justitiarium¹ qualem voluerint de se ipsis ad custodiendum placita coronae meae et eadem placitanda: et nullus alius erit justitarius super ipsos homines Londoniarum.

(And (they may place) a Justiciar whom they will of themselves for keeping the pleas of my crown and pleading the same: and no other shall be Justiciar over the said men of London.)

COVENTRY, 1181. Quemlibet autem ex semetipsis pro me eligant qui sub me super eos justitia sit qui leges et consuetudines sciat, et eos meo consilio in omnibus rationabiliter omni causa remota custodiat et mihi jura mea fideliter faciat.

(Moreover, they may elect any of themselves for me, who shall be their Justiciar under me over them, who shall know their laws and customs, and shall keep the said burgesses reasonably by my advice in all things, every excuse being put away, and shall render my rights to me faithfully.)

COVENTRY, 1186. Line 1. *Read comite for me etc.*

Line 4. *Read sua for mea.*

COLCHESTER, 1189. Et justitiam ad servanda placita coronae nostrae et ad placitanda eadem placita infra burgum suum; et quod nullus alius sit inde justitia nisi quem elegerint.

(And a Justiciar to keep the pleas of our crown and plead the same pleas within their borough; and that no other shall be Justiciar therein except he whom they have elected.)

(c) Reeve

ST ANDREWS, 1140—53. Et in ipso burgo hunc Mainardum Flandrensem cum regis consensu et ejus firma pace prefectum fecisse. Et huic prefato Mainardo et heredibus suis in ipso burgo propter suum servitium nobis et nostris fideliter exhibitum tres toftas scilicet a vico burgendi usque ad rivum prioris libere et quiete ab

¹ Liebermann reads *justitiam*.

omni consuetudine pro sedecim nummis scilicet unicuique virgatae terrae quattuor denarios concedimus. Quia ipse ex prioribus est qui burgum supradictum edificare et instaurare incepit. Eapropter successoribus nostris humiliter supplicamus quatenus illum et heredes suos pro amore Dei et S. Andreae et nostri diligant et manuteneant. Et nullus ei et suis super excommunicationem Dei et S. Andreae et nostri injuriam inferat. Et si quis ei quacunque ex causa injuriam fecerit rex terrae ei propter Deum rectum facere non deferrat. Quod si ipse non fecerit rex regum justus et aequus iudex in die magnae ultionis ei rectum faciat. Supradicta enim villa elemosina illius benedicti regis est, et ipse supradictus Mainardus ejus proprius burgensis in Berrewyk fuit quem S. Andreae et nobis cum supradicta elemosina in elemosinam tribuit.

(And in the same burgh I have made this Mainard of Flanders prefect, by the king's grant and with his firm peace. And to this aforesaid Mainard and his heirs we have granted, on account of his service in the same borough to us and ours faithfully shown, three tofts, to wit, from the street of the burgh to the prior's brook, free and quietly from all custom for sixteen pence, to wit, fourpence for each virgate. Because he was among the first to build and establish the said burgh. And therefore we humbly pray our successors that for the love of God and St Andrew and ourselves they will care for and maintain him and his heirs. And let none do him and his an injury on pain of the excommunication of God and St Andrew and ourselves. And if anyone from any cause do him an injury, the king of the land will, for God's sake, not delay to do him right. And if he will not do it, the King of Kings, the just and equal judge, will do him right in the day of great vengeance.)

For the aforesaid town is the alms of that blessed king, and the said Mainard himself was his own burgess in Berwick, whom he gave in alms to St Andrew and us with the aforesaid alms.)

BRADNINCH, 1141—75. Insuper dedi et concessi eis ut propriam electionem habeant prepositi.

(Moreover, I have given and granted to them their own election of a reeve.)

BRADNINCH, 1215—20. *For last four words read* propria electione habeant prepositum.

TEWKESBURY, 1147—83. Et quod ipsi burgenses forent ballivi et cachepolli burgi illius quotienscunque ad hoc electi fuerint ad voluntatem predictorum comitum seneschallorum et ballivorum suorum et per electionem communitatis burgi predicti de anno in annum.

(And that the said burgesses shall be bailiffs and catchpolls of that borough as often as they shall be elected thereto at the will of the aforesaid earls and of their stewards and bailiffs, and by the election of the community of the aforesaid borough from year to year.)

COLCHESTER, 1189. Quod ipsi ponant ballivos quoscunque voluerint de se ipsis.

(That they may make bailiffs whom they will of themselves.)

NORTHAMPTON, 1189. Et burgenses Norhantoniae faciant prepositum quem voluerint de se per annum qui sit idoneus nobis et eis.

(And the burgesses of Northampton shall make a reeve whom they will of themselves every year who shall be suitable to us and them.)

NORTHAMPTON, 1200.

LINCOLN, 1194.

NORWICH, 1194.

NORWICH, 1199. *For prepositum read prepositos.*

Omit quem voluerint.

YARMOUTH, 1208. As Norwich, 1199.

NOTTINGHAM, 1189. Et licet illis quem voluerint ex suis in fine anni prepositum suum facere qui de firma mea pro ipsis respondeat ita quod si idem prepositus mihi displiceat illum ad voluntatem meam removebo et ipsi alium ad libitum meum substituent.

(And they may make whom they will of their people to be their reeve at the end of the year who shall answer for them for my farm, provided that if the said reeve shall displease me, I shall remove him at my own will, and they shall substitute another of my choice.)

NOTTINGHAM, 1200.

DERBY, 1204.

LOSTWITHIEL, 1190—1200. Et si prepositum facere voluero prenominati burgenses eum eligant de illis qui in saepedicta villa manent.

(And if I wish to make a reeve, the above-named burgesses shall elect him from those who dwell in the oft-mentioned town.)

OKEHAMPTON, 1194—1243. Concessimus etiam quod burgenses annuatim proprio eorum consultu prepositum et preconem sibi eligant et deponant: prepositus vero quietus sit de gablo, preco de sex denariis.

(I have also granted that the burgesses shall yearly of their own counsel elect and depose a reeve and a cryer: the reeve shall be quit of his gablum, the cryer of six pence.)

NORTHAMPTON, 1200. Hoc modo scilicet quod iidem burgenses nostri de Norhamtonia per commune consilium villatae suae eligant duos de legalioribus et discretioribus burgensibus villae suae et presentent eos vicecomiti Norhamtonscir' et vicecomes unum illorum

presentet capitali justitiae nostrae apud Westmonasterium cum com-
potum suum reddere debet qui bene et fideliter custodiat preposituram
villae Norhamtoniae et non amoveatur quamdiu se in balliva illa
bene gesserit nisi per commune consilium villatae suae.

(That our same burgesses of Northampton by the common counsel of their
town shall elect two of the more legal and discreet burgesses of their town,
and present them to the sheriff of Northamptonshire, and the sheriff shall
present one of them to our chief justice at Westminster, when he ought to
render his account, and he shall well and faithfully keep his bailliwick of the
town of Northampton, and shall not be removed so long as he behave himself
well in that bailliwick, except by the common counsel of their town.)

SHREWSBURY, 1200.

SHREWSBURY, 1205.

- Line 1. *For* iidem *read* predicti.
- 2. *Omit* nostri.
- 4. *For* et vicecomes *read* ut ipse vicecomes.

LINCOLN, 1200.

- Line 2. *For* villatae suae *read* civitatis.
- 3. *For* villae suae *read* civibus Lincolniae.
- 4. *Omit* vicecomiti...presentet¹.
- 5. *Omit* cum...debet.

GLOUCESTER, 1200.

- Line 3. *For* villae suae *read* burgensium Glocestriae.
- 4. *Omit* vicecomiti...presentet¹.
For eos *read* illos.
- 5. *Omit* cum...debet.
- 6. *After* qui *add* duo vel alter eorum.

IPSWICH, 1200.

- Line 3. *For* burgensibus *read* hominibus.
- 4. *Omit* vicecomes...presentet¹.
- 5. *After* justitiae nostrae *read* ad scaccarium nostrum.
Omit apud Westmonasterium.
Omit cum...debet.
- 8. *For* villatae suae *read* predictorum burgensium.

EGREMONT, c. 1202. Item prepositus villae debet fieri per
electionem burgensium.

(Item, the reeve of the town should be chosen by the election of the
burgesses.)

BIDEFORD, 1204—17. And on the Tuesday next after the
feast of St Michael all the aforesaid burgesses shall come to my
aforesaid court (except those of them of whom it shall be faithfully

¹ The omission of these words gives these three towns two prepositi, while the
others have one only.

testified that they are beyond the sea or on pilgrimage or in doing their affairs or merchandising about the country). And they shall then choose one burgess to be head-officer, and the same head-officer shall have throughout the year toll and censing of the town by land and water for 10s. to me to be paid, saving to me and my heirs the toll of my market on the Monday.

CAMBRIDGE, 1207. Concessimus etiam eis quod faciant de se ipsis prepositum quem voluerint et quando voluerint.

(We have granted also to them that they may elect from their number a reeve whom they will and when they will.)

LEEK, 1209—28. Et predicti burgenses per semetipsos prepositum sibi faciant per assensum et consilium meum aut ballivi mei.

(And the aforesaid burgesses shall make a reeve by choice of themselves, with the assent and advice of myself or my bailiff.)

KELLS, *after* 1210. Concessi eisdem burgensibus meis quod prepositum et kachpoll sibi eligant cum consilio ballivi mei.

(I have granted to my said burgesses that they may elect a provost and catchpoll for themselves, with the advice of my bailiff.)

EYNSHAM, 1215. Hi etiam habebunt prepositum de seipsis¹ per liberam suam electionem, qui nobis et ipsis faciet fidelitatem.

(They shall also have a reeve from themselves, by their own free election, who shall do fealty to us and them.)

(d) Coroners

NORTHAMPTON, 1200. Volumus etiam quod in eodem burgo Norhamtoniae per commune consilium villatae eligantur quattuor de legalioribus et discretioribus hominibus de burgo ad custodienda placita coronae nostrae et alia quae ad nos et ad coronam nostram pertinent in eodem burgo et ad videndum quod prepositi illius burgi juste et legitime tractent tam pauperes quam divites.

(We will also that in the same borough of Northampton there shall be elected by the common counsel of the town four of the more legal and discreet men of the borough to keep the pleas of our crown and the other matters which pertain to us and our crown in the same borough, and to see that the reeves of that town justly and lawfully treat both poor and rich.)

¹ Corr. from *seppis*.

SHREWSBURY, 1200.

Line 3. *For de burgo read villae suae.*

SHREWSBURY, 1205.

Line 2. *For quattuor read duo.*

LINCOLN, 1200.

Line 2. *For villatae read civitatis.*

3. *For de burgo read civitatis.*

GLOUCESTER, 1200.

Line 2. *For villatae read burgensium.*

3. *For de burgo read burgi.*

5. *After prepositi add vel prepositus.*

IPSWICH, 1200.

Line 2. *For villatae read predictorum burgensium.*

(e) Mayor

LONDON, 1215. Sciatis nos concessisse...baronibus nostris de civitate nostra Londoniae quod eligant sibi majorem de se ipsis singulis annis qui nobis fidelis sit, discretus et idoneus ad regimen civitatis, ita quod cum electus fuerit, nobis vel justitiae¹ nostro si presentes non fuerimus, presentetur et nobis juret fidelitatem, et quod liceat eis ipsum in fine anni amovere et alium substituere si voluerint vel eundem retinere, ita tamen quod nobis ostentetur vel justitiae nostro si presentes non fuerimus.

(Know ye that we have granted to our barons of our city of London that they may elect for themselves a mayor of themselves every year who shall be faithful to us, and discreet and fit for the government of the city, so that when he is elected he shall be presented to us or our justice if we are not present, and shall swear fealty to us, and that it shall be lawful to them to remove him at the end of the year, and substitute another if they so wish, or retain the same man, provided that he be presented to us or our justice if we are not present.)

(2) DUTIES OF OFFICIALS

NOTTINGHAM, 1189. Concessi etiam eisdem burgensibus ut quicumque ab eis constitutus fuerit prepositus ejusdem burgi, solvat firmam ejusdem burgi ad dominicum scaccarium meum ubicunque fuerit in Anglia ad duos terminos medietatem scilicet ad clausum paschae et medietatem in octavis Sancti Michaelis.

¹ Stubbs, *Select Charters*, p. 314, reads *justitiario* for *justitiae*.

(I have granted also to the same burgesses that whoever of them shall be appointed reeve of the same borough, shall pay the farm of that borough at my dominical exchequer, wherever it may be in England, at the two terms, to wit, one moiety at the Easter term, and the other in the Octave of St Michael.)

NOTTINGHAM, 1200.

DERBY, 1204.

OKEHAMPTON, 1194—1243. Theloneum colligat prepositus et duodecim denarios de Theloneo et quietantiam gabli habeat pro hoc servitio et quattuor denarios nihil si excedat quattuor Theloneum.

Omnes redditus et omnia amerciamenta et omnes exitus burgi per manus prepositi mihi vel heredibus meis reddantur.

(The reeve shall collect the toll, and shall have twelve pence from the toll and the quittance of his gablum, for this service¹....

All rents and all amercements and all the issues of the borough shall be paid to me or my heirs by the hand of the reeve.)

INVERNESS, 1199—1214. Precipio itaque firmiter ballivis meis de Invernīs quatinus predictis burgensibus meis de Invernīs auxiliantes sint et eos juste manuteneant ad predictas rectas consuetudines burgi habendas.

(Therefore I firmly order my bailiffs of Inverness to aid my aforesaid burgesses of Inverness and to maintain them justly so that they have the aforesaid right customs of their borough.)

ABERDEEN, 1214. Line 1. *For itaque read autem.*

BRADNINCH, 1215—20. Et volo quod prepositus villae mihi vel seneschallo meo in crastino Sancti Dionysii reddat compotum suum de exitibus villae illius anni.

(And I will that the reeve of the town shall render to me or my steward on the morrow of St Dionysius' Day his account of the issues of the town for that year.)

(3) POWERS OF REEVE

WALLINGFORD, 1156. Et si ipse prepositus eos aliqua occasione sine calumpniatore implacitaverit, non respondeant.

(And if the reeve implead them on any occasion without an accuser, they shall not answer.)

¹ The remainder of this passage as it stands defies translation.

NOTTINGHAM, 1157. Neque preposito burgi de Notingham aliquis burgensium calumnianti respondeatur nisi alius fuerit accusator in causa.

(Nor shall any of the burgesses answer the reeve of the borough of Nottingham when he challenges them, unless another be the accuser in the cause.)

NOTTINGHAM, 1189.

NOTTINGHAM, 1200.

DERBY, 1204.

SWANSEA, 1153—84. Justitia mea non placitabit burgensem sine burgense teste.

(My justice shall not implead a burgess without a burgess as a witness.)

PONTEFRACT, 1194. Si serviens pretoris locutus fuerit versus burgensem, non respondebit sine teste.

(If the serjeant of the reeve lay a charge against a burgess, he shall not answer without a witness.)

LEEDS, 1208.

(4) OFFENCES AGAINST REEVE

EGREMONT, c. 1202. Item si quis verberaverit prepositum villae dabit domino pro forisfacto dimidiam marcam si inde convictus fuerit: et si traxerit sanguinem de eo, quoquo modo fuerit, dabit domino pro forisfacto octodecim solidos si inde convictus fuerit.

(Item, if any assault the reeve of the town, he shall forfeit to the lord half a mark, if he is convicted thereof: and if he drew blood from him, in whatever manner it may be, he shall forfeit to the lord eighteen shillings, if he is convicted thereof.)

APPENDIX

1. ADDITIONAL CHARTERS.

Aberdeen, 1187—1203.	William the Lion.	Charters of Burgh of Aberdeen, 14.
<i>CHRISTCHURCH</i> , 1137—55.	Baldwin de Redvers, Earl of Exeter.	Pat. Roll, 8 Edw. II, pt. 1, m. 2.
Devizes, 1155—66.	Henry II.	Charter Roll, 45 Edw. III, No. 6.
<i>Hartlepool</i> , 1162—85.	Adam de Bruce.	Pat. Roll, 21 Rich. II, pt. 1, m. 31.
<i>Newport</i> , <i>I. of Wight</i> , 1177—84.	Richard de Redvers.	Copy supplied by Town Clerk.
TORKSEY, 1154—76.	Henry II.	Cal. Pat. Rolls, 1343—5, p. 466.
<i>Yarmouth</i> , <i>I. of Wight</i> , c. 1170.	Baldwin de Redvers.	Copy supplied by Mr Percy G. Stone.
YORK Weavers, 1154—73.	Henry II.	Cal. Pat. Rolls, 1345—8, p. 199.

ABERDEEN, 1187—1203. V A 7 (p. 191). Sciant presentes et futuri me in perpetuum quietos clamasse omnes burgenses meos de Aberdon a tolneio de propriis catallis suis per totum regnum meum pro bono servicio quod iidem burgenses mei mihi fecerunt. Et ideo volo ut nullum per regnum meum dent tolneium de propriis catallis suis et firmiter precipio ut ubicunque in regno meo venerint perpetuo a tolneio quieti sint de propriis catallis suis.

(Know all men, present and future, that I have quit-claimed for ever all my burgesses of Aberdeen from toll from their own chattels throughout my whole kingdom for the good service which my said burgesses have done for me. And therefore I will that they give no toll throughout my whole realm for their own chattels, and firmly command that wherever they go in my kingdom, they shall for ever be quit of toll for their own chattels.)

CHRISTCHURCH, 1137—55. Baldwynus Comes Exon. Ricardo filio suo et omnibus baronibus suis cunctisque hominibus suis tam clericis quam laicis salutem.

(Baldwin Earl of Exeter to Richard his son, and all his barons and men, both cleric and lay, greeting.)

V A 8 (p. 191). Notum sit omnibus tam presentibus quam futuris me Burgenses meos de Cristeschircia quietos clamasse per totam terram meam et tensesiam de gablo stationis in foro et de custodia latronum et de obolo pentecosten pro cervisia et de messione dimidia acrae et de portatione brevium et de theloneo pro sale et de omni consuetudine cujuscunque mercatae.

(Be it known to all both present and future that I have quit-claimed my burgesses of Christchurch throughout all my land and tensery¹ of the rent of stands in the market-place and from their ward of robbers and from the half-penny at Whitsuntide for ale, and from their reaping of half an acre and from the carriage of writs, and from toll for salt and from all custom on every kind of merchandise.)

V A 4 (p. 176). Et eis condonasse de theloneo villae Cristeschircia x solidos unde prius iiii libras reddere solebant modo lxx solidos hereditarie.

(And that I have pardoned them 10s. of the toll of Christchurch from which they were formerly wont to pay £4, but now 70s. in inheritance.)

DEVIZES, 1155—66². V A 7 (p. 181). *Add* sicut carta Imperatricis Matildae Matris meae eis testatur.

II B 1 (p. 80). *For* Et volo et precipio *read* Quare volo et firmiter precipio.

HARTLEPOOL, 1162—85³. Adam de Brus omnibus hominibus suis francis et anglis salutem.

(Adam de Brus to all his men, French and English, greeting.)

I 8 (p. 31). Sciatis me dedisse et concessisse burgensibus meis de Herterpol tenendas de me et heredibus meis illas consuetudines et leges et illa statuta quae tenent burgenses Novi castelli super tynam. Has consuetudines et leges predictas tenebunt burgenses de Herterpol adeo libere et quiete quam liberius et quietius Burgenses Novi Castelli suas leges tenent de Rege et Comite.

¹ At Manchester, a tenserius or censarius was a non-burgess, who held a stall in the market at the same rent as the burgesses (Med. Manch. 48).

² Attested by Jocelin de Balliol and Robert de Dunstanville.

³ The pedigree of the Bruce family given by Surtees (III 94) gives two Adams de Brus, the father who died in 1162, and the son who died in 1185, and was succeeded by his son Peter de Brus. But Peter de Brus appears with Gilbert de Feulgeres and Stephen de Ferlingtuna as witnesses to a deed of Robert de Brus quoted in the Surtees Society edition of the Guisborough Chartulary (II 328*n.*), and the appearance of the names of Gilbert de Fulgeres and Stephen de Ferlintonia among the witnesses shows that the Hartlepool charter was granted by Adam II (1162—85).

(Know ye that I have given and granted to my burgesses of Hartlepool to hold of me and my heirs those customs and laws and those statutes which the burgesses of Newcastle-on-Tyne hold. These customs and laws aforesaid the burgesses of Hartlepool shall hold as freely and quietly as the burgesses of Newcastle most freely and most quietly hold them of the King and Earl.)

V A 12 (p. 197). Do etiam meam firmam pacem omnibus venientibus ad Herterpol et ibi manentibus et mansuris et inde redeuntibus.

(I also give my firm peace to all who come to Hartlepool and remain and shall remain there and thence return.)

Testibus hiis, Gilleberto de Fulgeres, Stephano de Ferlintonia, Nigillo filio Petri, Alexandro clerico, Stephano filio Rauencilli, Roberto presbitero.

NEWPORT, ISLE OF WIGHT, 1177—84. V A 8 (p. 192). Sciant omnes quod ego Comes Ricardus filius comitis Ricardi de Redveris dedi et concessi et hac mea carta et sigillo meo confirmavi Burgensibus meis de Novo Burgo meo de Meda omnimodas libertates de theoloneo et omnibus aliis consuetudinibus unde liberi burgenses libertatem habuerint quantum ad me pertinet per totam terram meam in villis et vicis in terra et mari in portu et passagio in feriis et mercatis in venditionibus et emptionibus in burgo et extra burgum et in omnibus locis et omnibus rebus.

(Know all men that I, Earl Richard, son of Earl Richard de Redvers, have given and granted and, by this my charter and my seal, have confirmed to my burgesses of my new borough of Meda, all kinds of freedoms from toll and from all other customs from which free burgesses should have freedom, as much as to me pertains through all my land, in towns and villages, in land and on sea, in harbour and ferry, in fairs and markets, in sellings and buyings, within borough and without borough, and in all places and all things.)

IV A 6 (p. 123). Concessi etiam predictis burgensibus meis quod sint liberi et quieti de Syris et de Hundredis et de secta de Syris et de Hundredis in Insula.

(I have granted also to my aforesaid burgesses that they shall be free and quit of shires and hundreds and from suit of shires and hundreds in the Island.)

II A 7 (p. 59). Concessi quoque eis ut habuerint pasturam meam in landis de Parkehurst liberam et quietam de herbagio.

(I have granted also to them that they may have my pasture in the lands of Parkhurst free and quit of herbage.)

IV A 4 (p. 118). Concessi preterea eis quod omne placitum quod in predicto burgo ortum fuerit quod ad me pertineat in ipso burgo placitetur.

(I have granted moreover to them that every plea which may arise in the aforesaid borough which pertains to me, shall be pleaded in the same borough.)

IV D 3 (p. 153). Et si amerciammentum inde evenerit, inter ipsos et per ipsos amercietur, et volo ut nullus ipsorum de amerciamento quod ad me pertineat amercietur ad majus quam triginta denarios et hoc consilio et iudicio eorundem burgensium.

(And if any amercement shall thence ensue, it shall be amerced between themselves and by themselves, and I will that none of them shall be amerced of an amercement which pertains to me at more than thirty pence, and this by the advice and judgment of the same burgesses.)

VII 1 (p. 243). Concessi similiter predictis burgensibus ut nullus in burgo eorum fiat prepositus nisi quem communi assensu et voluntate eligerint.

(I have granted likewise to the aforesaid burgesses that no one shall be reeve in their borough except he whom they shall choose by their common assent and will.)

II A 2 (p. 40). Et predicti burgenses et ipsorum heredes reddent mihi et heredibus meis, unusquisque de masuagio suo, annuatim duodecim denarios pro omni servicio in Nativitate Sancti Johannis Baptistae et per illud servitium tenebunt burgagia sua in feodo et hereditate et habebunt predictas libertates et quietancias.

(And the aforesaid burgesses and their heirs shall render to me and my heirs, each for his messuage, twelve pence yearly for all service at the Nativity of St John the Baptist, and by that service shall hold their burgages in fee and heredity, and shall have the aforesaid liberties and quittances.)

TORKSEY, 1154—76. V A 2 (p. 171). Sciatis me concessisse et...confirmasse burgensibus meis de Torchesia forum suum de villa de Torchesia sicut melius habuerunt tempore regis Henrici avi mei.

(Know ye that I have granted and...confirmed to my burgesses of Torksey their market-place of the town of Torksey as they best had it in the time of King Henry my grandfather.)

I 4 (p. 8). Et omnes libertates et liberas consuetudines suas infra burgum et extra et in terra et in aqua quas habuerunt tempore regis Henrici avi mei.

(And all their liberties and free customs within borough and without, both on land and on water, which they had in the time of King Henry my grandfather.)

YARMOUTH, I. of Wight, c. 1170. Universis fidelibus Baldwin de Reuerys salutem.

(To all the faithful, Baldwin de Redvers sends greeting.)

I 8 (p. 26). Sciatis me concessisse et presenti scripto confirmasse fidelibus meis de Eremuth omnes libertates et liberas consuetudines quas liberi burgenses habere debent.

(Know ye that I have granted and by this present writing confirmed to my faithful men of Yarmouth all the liberties and free customs which free burgesses ought to have.)

V A 8 (p. 192). Et insuper concedo eis libertatem et quietanciam de theolonio et omnes alias consuetudines per totam terram meam in feriis et mercatis.

(And, also, I grant to them liberty and quittance from toll and all other customs throughout all my land in fairs and markets.)

YORK WEAVERS, 1154—73. V B 2 (p. 208). Sciatis me concessisse et...confirmasse textoribus Ebor' in civitate Ebor', cujuscunque feudi sint, gildam suam et consuetudines et libertates quae ad officium suum pertinent, sicut aliqui civium meorum melius et liberius eas habent in aliis civitatibus meis Anglicis: ita quod nullus praeter eos faciat pannos tinctos¹ vel reatos in toto Eboracensyr, nisi ipsi in Ebor', vel alii ejusdem officii in Beverlesa et Kirkeby et Malton et Tresch et Scardeburgh et aliis dominicis meis burgis. Et propter hanc libertatem decem libras mihi reddere debent annuatim ad scaccarium meum.

(Know ye that I have granted and confirmed to the weavers of York in the City of York, of whosoever fee they may be, that they have their guild and customs and liberties which pertain to their craft, as others of my citizens best and most freely have them in my other cities in England; so that no one but they shall make dyed or striped cloth in the whole of Yorkshire, except they in York, or others of the same craft in Beverley and Kirkby and Malton and Thirsk and Scarborough and the other boroughs on my demesne. And on account of this liberty they ought to pay me ten pounds a year at my Exchequer.)

¹ York Memorandum Book, I, 240 (Surtees Soc.), reads "tinctos," which is a preferable reading to the "tunicos" of the Patent Rolls.

2. ADDENDA ET CORRIGENDA.

p. xxxix. **Waterford.** On pp. 13 and 14 of the *Chartae Hiberniae* is printed a charter to Waterford from King John dated at Marlborough 3 July 7 John, and attested *inter alios* by Henry, Archbishop of Dublin (1213—28), Henry, Bishop of Emly (1212—28), William Marshal, Earl of Pembroke (1189—1219), William Earl of Salisbury (1199—1226), Hubert de Burgh, Justiciar of England (1215—32), and Richard de Marisco, Chancellor of England (1214—26). The dates of these witnesses show that the printed date of the charter is wrong, and on turning to the Charter Rolls we find, on p. 210, three charters to the burgesses of Dublin, Dungarvan, and Limerick all dated at Marlborough, 3 July 17 John, and attested by the persons above named. The Waterford charter is not found among those on the Charter Roll, and is therefore suspect: and it is suspect on other grounds; it is based on the Bristol charter of 1188 and the Dublin charter of 1192, but contains a number of unique clauses, that is, clauses which are not found in any genuine charter of the same date; among these unique clauses are, the right to take the custom called murage, the right to receive waifs and strays, the right to appropriate fines, and also the profits of the office of eschaetor, the right to grant safe conduct to outlaws and enemies, and exemption from liability for escapes of felons. In 1232 Henry III granted a charter to Waterford, likewise based on the Bristol and Dublin charters but containing none of the unique clauses (Chart. Hib. 22); in 1309 Edward II inspected and confirmed the charter of Henry III (*ib.* 42), and in 1356 Edward III inspected and confirmed the charter of his father and gave additional privileges, but none like the unique clauses of the *soi-disant* charter of John (*ib.* 69). And because these unique clauses are unknown to Henry III, Edward II and Edward III, I am of opinion that the John's charter as printed is not genuine and I have therefore not included it in this collection.

p. lxi. The term "lovecop" has been the subject of a judicial decision; for the *Times* of 27 May 1857 reports an action brought by the Attorney General of the Duchy of Cornwall against the Corporation of King's Lynn. From this report it appears that Henry I granted to William D'Albini and his heirs "the misteries or trades of Lynn with a moiety of the markets and tolls and other customs of the port with the mooring of ships and 'lofcop.'" In 1366 one half of this moiety became vested in the Queen Dowager, with remainder

to the Earl of Cornwall. At the trial of the action, the Counsel for the Attorney General of the Duchy said that a decree had been agreed on by consent to the effect that the Duchy of Cornwall was entitled to a moiety of the custom or duty of "lofcop," *i.e.* to a moiety of the duties levied specifically upon corn grain or seeds exported by water from the port of Lynn, under whatever name collected.

But the etymology of the word does not support this interpretation; for "cop" is evidently derived from "ceapan" to buy; and, on the analogy of "loveday," the word means a "love-bargain."

The borough customals show a transaction to which the term "love-bargain" could be applied, in the custom which obliged a guildsman to share his purchase with his brethren, "that is to say, that if he bought a quantity of a given commodity, any other guildsman could claim a portion of it at the price at which he purchased it" (*Gild Merchant*, I 49). This rule is found in the custumal of King's Lynn (*ib.* II 161) and also at Liverpool (*ib.* 150), Newcastle-on-Tyne (*ib.* 185), Southampton (*ib.* 218) and Boston (*ib.* 352). (See also *Borough Customs*, II lxxviii.—lxxiii.)

In this connection Miss Bateson points out that there is evidence that the King or lord of the borough in many cases had the right of purchasing in the market of the borough before all others, and quotes the charters of Dunster (1254—7) and Hartlepool (1230) and a Chester record (*c.* 1090) to that effect (*B. C.* II 166); and it may therefore be suggested that the "lofcop" of the Lynn charter refers to the right of William D'Albini to first purchase in the market.

p. 17. *Before* CARDIFF, *insert*:

NEWCASTLE-ON-TYNE, 1100—35 (B text). Haec sunt leges et consuetudines quas Henricus rex concessit burgensibus suis de Novo Castro.

(These are the laws and customs which King Henry granted to his burgesses of Newcastle.)

LEGES QUATTUOR BURGORUM. Istae sunt leges et consuetudines quattuor burgorum Berewic Rokisburg Edinburg et Strivelin constitutae editae et confirmatae per Regem David.

(These are the laws and customs of the four burghs of Berwick, Roxburgh, Edinburgh, and Stirling established published and confirmed by King David.)

TEWKESBURY, 1147—83. In 1403 Henry IV inspected Letters Patent of Richard II who inspected Letters Patent of 15 Edward III, exemplifying a charter of 11 Edward III, inspecting

the charter of Gilbert de Clare, Earl of Gloucester and Hereford (dated 26 April, 1312), which recited:

Cum dudum celebris memoriae Willelmus et Robertus quondam comites Gloucestriae et Herefordiae progenitores nostri vicissim pro se et heredibus suis cartis suis concesserunt et confirmaverunt burgensibus suis de Theokesbury eorumque heredibus et successoribus libertates infrascriptas.

(Since formerly William and Robert sometime Earls of Gloucester and Hereford our ancestors of blessed memory for themselves and their heirs by their charters granted and confirmed to their burgesses of Tewkesbury and their heirs and successors the liberties below written.)

p. 32. BIDEFORD, l. 5. *For Bristollia read Britollia.*

p. 93. BURY ST EDMUNDS, 1182—1212.

l. 7. This line appears in the previous charter.

p. 100. PEVENSEY. Translation l. 2. *For headland read beach.*

p. 106. GUILDFORD. The Volumus Clause adds:

Sicut libertates et consuetudines suae recognitae fuerunt coram justitiis meis et coram nobis in comitatu apud Geldeford.

(As their liberties and customs were admitted before my justices and before ourselves in the County Court at Guildford.)

p. 107. HUNTINGDON. *Add footnote.* The charter of 37 Henry III (*Mon.* VI. 81) omits "si non."

p. 126. LONDON. (Knights' Guild.) *Add translation as follows:*

(Edward, King, greets Bishop Aelfward and Wulfgar my portreeve and all the burgesses in London, friendly. And I inform you that I will that my men of the English Knights' Guild have their sake and soke within borough and without over their own land and over their own men. And I will that they have as good laws as they had in the days of King Edgar and of my father and of Cnut. And I will that (*i.e.* that is my will) both with God and with man. And I will not suffer that any man ill-use them and that they be all free. God keep you all.)

Mr Coote's text of this charter is derived from *Lib. Dunthorn*, fo. 79, and *Letter Book C*, fo. 134 *b* (5 *London and Midd. Arch. Trans.* 481).

p. 171. PORTSMOUTH. *Add translation as follows:*

(That our burgesses in the same borough have every week in the year on one day in the week, to wit on Thursday, a market with all the liberties and free customs which our citizens of Winchester or Oxford or others of our lands have or ought to have.)

CHESTERFIELD. *Add translation as follows :*

(And moreover, one market there in every week to last for two days on Tuesday and Saturday with all the liberties pertaining to a fair and market.)

p. 179. *Add footnote :*

NORTHAMPTON CUSTUMAL, c. 1190 (c. 20). Nullus mercator debens dare consuetudinem potest transire cum mercatura sua villam neque comitatum quin debeat dare consuetudinem ceteris locis assignatis.

(No merchant, who ought to pay custom, can pass with his merchandise throughout the town or county, unless he pay custom at the other assigned places.)

p. 184 n. The earliest reference in the Pipe Rolls to the Cinque Ports is in that for 1160—I, where two payments are recorded as being made for “naves v portuum” (Pipe Roll, 7 Henry II, pp. 56, 59).

p. 189. TOTNES. *For lenagio read leuagio.*

p. 202. *Add footnote.* For other grants of guilds, see references in Index.

p. 209, l. 1. *For ullatenus read nullatenus.*

p. 212. WELLS, l. 2. “Luna et lagha.” The Town Clerk of Wells has kindly verified this reading from the original charter: but I cannot find “luna” in any dictionary. Is it possible that “luna” is a copyist’s error for “liña” = licentia?

p. 213. *Add footnote :*

NORTHAMPTON CUSTUMAL, c. 1190 (c. 18). Nullus extraneus qui lanam duxerit in Northampton potest vendere separatim nisi integram totam. Nullus extraneus potest in Northampton emere lanam nisi emat illam insuper vel de probis hominibus villae. Nullus extraneus potest emere filam ad tulendam foris villam nisi sit insuper. Nullus extraneus potest emere cutes recentes vel pelles nisi insuper. Nullus mercator de isto comitatu neque aliquis extraneus de alio comitatu qui in villa venerit cum lana et cum cutibus vel cum adipe vel cum sepe vel cum casibus vel cum carne potest descendere nisi in selda domini regis et selda communis provideatur.

(No stranger merchant who brings wool into Northampton can sell in parcels but only in bulk. No stranger can buy wool in Northampton except he buy it as above, or of the good men of the town. No stranger can buy thread for carrying outside the town except as above. No stranger can buy fresh skins or fells except as above. No merchant of this county nor any stranger of any other county who comes into the town with wool and with skins or with fat or with tallow or with cheese or with flesh can descend except in the stall of our lord the King, and a common stall shall be provided.)

Possibly it will assist students if a list of references to the clauses of this custumal is given here:

Custumal.		Reference.	Custumal.		Reference.
Sect. 1	=	B. C. I 272	Sect. 2	=	B. C. II 63
3		II 63	4		II 102
5		II 102	6		II 134
7		II 112	8		II 64
9		II 92	10		II 63
11		<i>Ante</i> p. 104	12		II 92
13		B. C. I 292	14		II 81
15		II 82	16		I 245
17		I 215	18		<i>Ante</i> p. 258
19		I 103, 148	20		" p. 258
21		I 129	22		B. C. I 98
23		I 288	24		I 294

p. 239. *Before Bideford add:*

LONDON, 1199. Hanc vero concessionem et confirmationem fecimus civibus Londoniarum propter emendationem ejusdem civitatis, et quia antiquitus consuevit ad firmam pro ccc libris.

(But we have made this grant and confirmation to the citizens of London for the improvement of the same city, and because of old it used to be at farm for £300.)

p. 240. *Add:*

(12) Allowances from farm¹

LONDON, 1199. Volumus etiam et precipimus quod si nos vel heredes nostri vel aliquis justitiariorum aliquid dederimus vel concesserimus alicui de hiis quae ad firmam predicti Vicecomitatus pertinent, illud civibus Londoniarum in acquietatione firmae suae ad scaccarium nostrum annuatim computetur.

(We also will and order that if we or our heirs or any of our justices shall give or grant to any person any thing of those which pertain to the farm of the aforesaid county, that should be allowed annually to the citizens of London in the acquittance of their farm at our exchequer.)

¹ See also Ilchester, p. 229.

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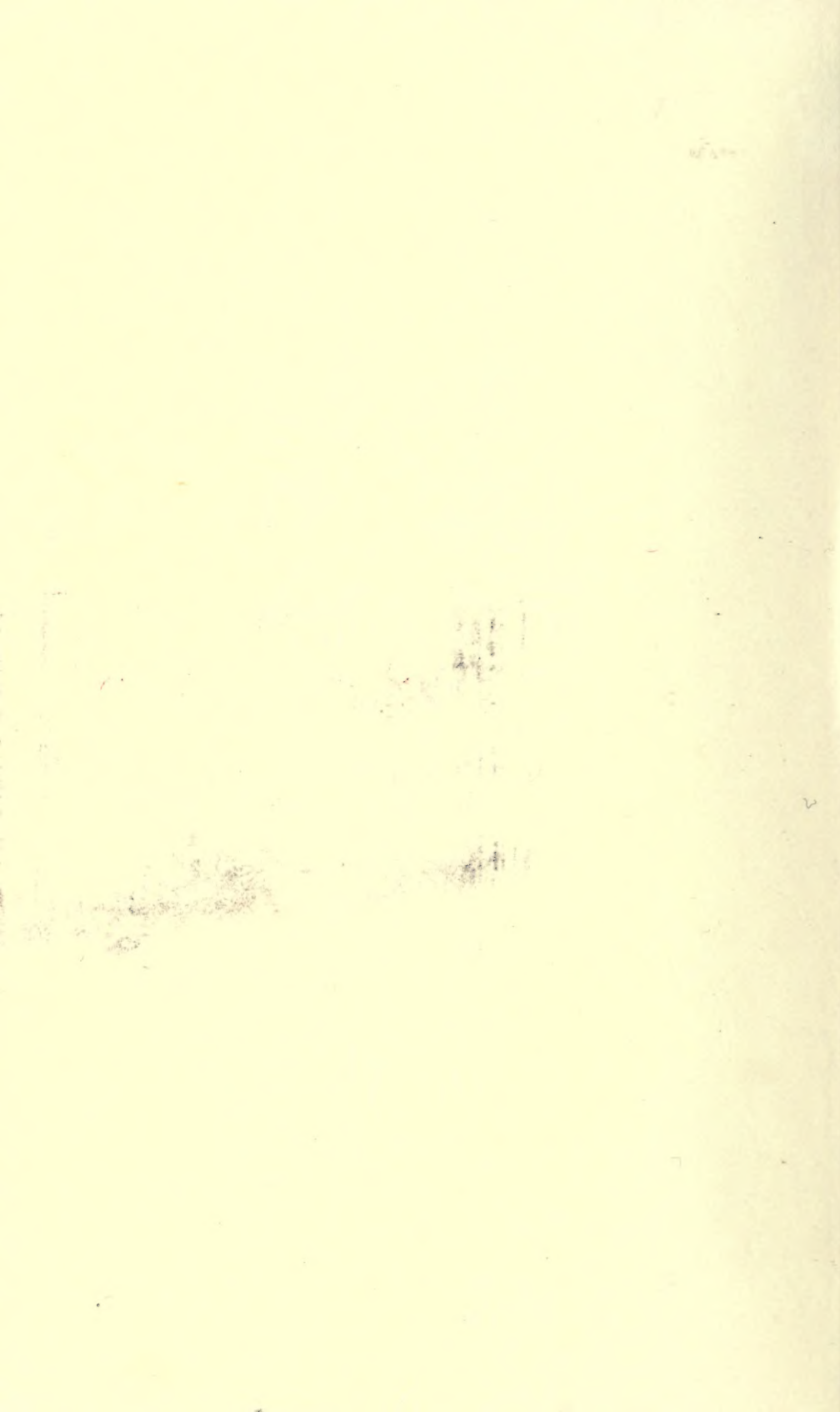
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